

24/102/18609/46

PEOPLE'S COUNSEL FOR BALTIMORE COUNTY, ET AL. )  
 Appellants )  
 vs. )  
 ROBERT W. MOCKARD, ET AL. )  
 Appellees )

IN THE )  
 CIRCUIT COURT )  
 FOR )  
 BALTIMORE COUNTY )  
 CASE NO. 86CG1262 )  
 (ZONING MATTER #R-86-303)

OPINION AND ORDER

This case came before the Court on February 11, 1987 on appeal from a decision rendered by the Baltimore County Board of Appeals. Petitioners below, Robert W. Mockard, et al., requested a zoning reclassification of property located at Harford Road and East Avenue from BL-CS-2 to BM-CS-2. The Board granted the reclassification for the specific purpose of expanding the existing used and new car dealership (Griffith Chrysler-Plymouth). Orders for Appeal were filed by three parties: Petitioners; People's Counsel for Baltimore County; and Michael D. Eck, Protestant. The day prior to the hearing before this Court, Michael D. Eck filed a Consent to Judgment in Favor of Robert W. Mockard, et al., so that argument on February 11 was presented only by Petitioners and People's Counsel.

The issues raised on appeal are as follows:  
 (1) Was the evidence presented to the Board relative to mistake strong enough to render the issue fairly

debatable? [Balto. Co. Code Sec. 2-58.1(j)(1)].  
 (2) Did the Board make findings as to the factors warranting the reclassification pursuant to Sec. 2-58.1(j)(2) of the Balto. Co. Code?  
 (3) Was the condition placed on the reclassification erroneous?

The Board decided to grant Petitioner's request for a reclassification in zoning from business local (BL-CS-2) to business major (BM-CS-2). The Board added the condition "for the specific purpose of expanding the existing used and new car dealership". The Board's decision is based upon the "change or mistake" rule set forth in the Baltimore County Code:

Before any property is reclassified pursuant to this section, the board of appeals must find:

- (1) That there has occurred a substantial change in the character of the neighborhood in which the property is located since the property was last classified, or that the last classification of the property was established in error.
- Balto. Co. Code 1978, Sec. 2-58.1(j)(1) (1985 Cum. Supp.).
- I. Was the evidence presented to the Board relative to mistake strong enough to render the issue fairly debatable?
- Petitioners relied on the "mistake" portion of the "change or mistake" rule and argued to the Board that the BL (business local) zoning given to the subject property during the 1984 Comprehensive Zoning Process was an error in light of the

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In reviewing an agency action, the Court may not uphold the agency order unless it is sustainable on the agency's findings and for the reasons stated by the agency. United Steel Workers v. Bethlehem Steel, 298 Md. 665, 472 A.2d 62 (1984). In the instant case, the Board's decision is conclusory in nature and specifically omits findings relative to the factors set forth above. The circuit court may not supply factual findings which were not made by the Board. Ocean Hideaway Condominium, et al. v. Boardwalk Plaza Venture, 68 Md. App. 650 (1986). This Court will remand for findings consistent with Sec. 2-58.1(j)(2).

III. Was the condition placed on the reclassification erroneous? Both Petitioner and People's Counsel urge that conditional zoning is invalid when the rezoning is accomplished by the open-plat method employed by Petitioners. Although testimony was taken relative to Petitioner's proposed use, their petition for reclassification was not a "specific-site plan" as specified in the Baltimore County Code Sec. 2-58.1(1). In Board of County Commissioners of Washington County v. H. Manny Holtz, Inc., 65 Md. App. 574, 501 A.2d 489 (1985), the Court of Appeals stated:

While we do acknowledge that certain text writers and various states have been attracted to conditional zoning as a valuable planning tool, we are not inclined to construe the statute [Article 66B] to provide for conditional use zoning in Maryland.

Although Sec. 2-58.1(1) provides an exception to the rule enunciated in Holtz, Petitioners did not utilize that provision. It appears that the Board was attempting to mitigate any negative impact which the reclassification may have on the surrounding neighborhood by imposing the condition on the reclassification. However, conditional zoning is not a valid means by which to achieve that result. A more careful determination of the delineated factors should enable the Board to determine whether the prospective classification is, in fact, warranted.

Accordingly, it is this 3rd day of March, 1987, by the Circuit Court for Baltimore County,

ORDERED that the decision of the County Board of Appeals be and the same is hereby REVERSED as to the condition imposed on the reclassification, and further

ORDERED that the case be REMANDED to the County Board of Appeals for findings consistent with this opinion.

*William M. Nickerson*  
 WILLIAM M. NICKERSON, JUDGE

fact that it is surrounded by BM (business major) zones. They offered testimony from three expert witnesses, two of whom testified that in their opinion, a mistake had been made in the 1984 zoning. In addition, a letter from Norman E. Gerber, Director of Planning and Zoning, was accepted into evidence wherein the proposed reclassification was recommended, although no mistake in prior zoning was acknowledged. Photos and a zoning map were also presented to the Board.

This Court is aware that in a zoning appeal the Court may not substitute its judgment for that of the Board. The scope of review is limited to a determination of whether the issue presented to the Board, i.e. mistake, was fairly debatable. If so, the decision must be affirmed by the Circuit Court. Floyd v. County Council of P.G. Co., 55 Md. App. 246, 461 A.2d 76 (1983). However, in order to render the issue of "mistake" fairly debatable, substantial evidence of such mistake must have been presented to the Board.

Coppolino v. County Board of Appeals of Baltimore County, 23 Md. App. 358, 328 A.2d 55 (1974). When a Board's finding cannot be said to be "fairly debatable", it is arbitrary, capricious and a denial of due process of law. Turner v. Hammond, 270 Md. 41, 310 A.2d 543 (1973).

COPIES SENT TO:  
 Robert W. Cannon, Esquire  
 100 South Charles Street  
 Baltimore, Maryland 21201  
 Phyllis C. Friedman, Esquire  
 Room 223, Court House  
 Towson, Maryland 21204  
 Stanley H. Miller, Esquire  
 Suite 200  
 218 East Lexington Street  
 Baltimore, Maryland 21202

This Court will not disturb the Board's decision as to the issue of mistake. The evidence, including photographs, zoning map and expert testimony, presented to the Board was sufficient to create a fairly debatable issue of mistake.

II. Did the Board make findings as to the factors warranting the reclassification pursuant to Sec. 2-58.1(j)(2)?

People's Counsel argues that the written opinion of the Board does not reflect the requisite consideration of factors necessary for a reclassification, as set forth in Sec. 2-58.1(j)(2). This Court agrees. A careful reading of the Code section mandates that a reclassification may be made only upon consideration of factors . . . including, but not limited to, all of the following: Population trends; availability and adequacy of present and proposed transportation facilities, water supply facilities, sewerage, solid waste disposal facilities, schools, recreational facilities, and other public facilities, and compatibility of uses generally allowable under the prospective classification with the present and projected development or character of the surrounding area; any pertinent recommendation of the planning board or office of planning and zoning; consistency of the current and prospective classifications with the master plan, the county plan for sewerage and water supply facilities, and the capital program.

CIRCUIT COURT FOR BALTIMORE COUNTY  
 CIVIL GENERAL

DOCKET 24 PAGE 102 CASE NO. 86CG1262 CATEGORY APPEAL

ATTORNEYS	
IN THE MATTER OF ROBERT W. MOCKARD, STEVEN R. GRIFFITH, SAIED MAHOUBI, FOR RECLASSIFICATION OF MOHAMMAD-HOSSEIN TEHRANIAN, PROPERTY LOCATED AT MOBIL OIL CORPORATION, and HARFORD ROAD AND EAST AVE. Their Successors, Applicants FROM BL CS-2 to BM-CS-2 Appellants 11th DISTRICT ZONING MATTER R-86-303 ITEM NO. 166 MICHAEL D. ECK, Protestant COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY	Stanley H. Miller Knickerbocker Bldg-Ste 200 218 E. Lexington St. (02) 752-6203 Robert W. Cannon 100 South Charles Street (01) 352-8816 Peter Max Zimmerman Rm. 223, Courthouse (04) 494-2188
PEOPLE'S COUNSEL FOR BALTIMORE COUNTY	E
(1) April 4, 1986 - Appellant's Order for Appeal from the Decision of the County Board of Appeals of Baltimore County and Petition fd. (2) April 4, 1986 - People's Counsel for Baltimore County Appeal from the Decision of the County Board of Appeals and Petition fd. (3) Apr. 4, 1986 - Certificate of Notice fd. (4) April 7, 1986 - Appellant's Robert W. Mockard, et al Order for Appeal from the Action of the Board of Appeals of Baltimore County fd. (5) April 9, 1986 - Certificate of Notice fd. (6) April 17, 1986 - App of Robert W. Cannon as attorney for the appellants same day Petition perfecting appeal from action of the county board of appeals of Baltimore county fd. (7) Apr. 23, 1986 Protestant's Answer to Petition on Appeal fd. (8) May 2, 1986 - Appellant's (Michael D. Eck) Motion to Extend Time to Transmit Record fd. (9) May 16, 1986 - Order of Court that the Time to transmit record of appeal be and it is hereby extended until the 1st day of August, 1986. (SEE) (10) May, 16, 1986 - Correspondence fd. (11) May, 16, 1986 - Appellant's Mockard et al Answer to Petition for Appeal fd./filed by Michael D. Eck (12) May, 16, 1986 - Appellants (Mockard) Answer to Petition for Appeal filed by People's Counsel for Balto. Co. fd. (13) Aug. 1, 1986 - Transcript of Record fd. (14) Aug. 1, 1986 - Notice of Filing of Record fd. (15) Aug. 25, 1986 - People's Counsel's Memorandum fd. (16) Aug. 29, 1986 - Appellants' Motion to Extend Time to File Memoranda and Order of Court that the time to file memoranda pursuant to MD Rule of Procedure B12 be and it is hereby extended until the 29th day of October, 1986. (SEE)	
Docket 24 PAGE 102 CASE NO. 86CG1262	

(over)

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IN THE MATTER OF :  
ROBERT W. MOCKARD, ET AL :  
FOR RECLASSIFICATION OF :  
PROPERTY LOCATED AT :  
HARFORD RD. AND EAST AVE. :  
FROM BL-C3-2 TO BM-C3-2 :  
11th DISTRICT : BALTIMORE COUNTY

OPINION

The above captioned matter comes before this Board on a Petition for Reclassification out of cycle. Testimony and evidence was received by this Board on Wednesday, February 12, 1986. Petitioner's Exhibit 2, pictorially describes the existing zoning on the subject site as well as the property Petitioner now seeks to rezone. Witnesses for the Petitioner testified, over objection by the People's Counsel, that the intended use of the subject site was for the expansion of the new and used car dealership of Griffith Chrysler-Plymouth. The basis of People's Counsel's objection was the failure of the Petitioner to submit a specific site plan. William F. Kirwin, an expert land planner and architect, testified that he believed the County Council committed error in the 1984 zoning maps. He also stated that the requested reclassification would be consistent with the surrounding classifications, would comply with the 502.1 requirements of the Baltimore County Zoning Regulations and would provide a reasonable use for the subject property. John W. Guckert, a Traffic Engineer, testified that in his opinion the reclassification of the subject site would not adversely affect traffic flow or result in increased congestion.

Robert W. Mockard, et al  
Case No. R-86-303

Mr. Guckert's testimony was questioned by the Protestants, however, it is apparent that the Protestants' questions concerned Mr. Guckert's description of East Avenue and Harford Road as a level A intersection rather than the resultant change of traffic flow and/or congestion resulting from a reclassification of the subject property. Frederick P. Klaus, a real estate consultant, testified that in his opinion the County Council had committed error, that he was certain a BM classification rather than BL would have been placed on the subject property during the 1984 Comprehensive Zoning Process if it had been an issue and further that the reclassification of the subject property would comply with the 502.1 requirements of the Baltimore County Zoning Regulations. James Hoswell, land planner for Baltimore County, testified that the present zoning of the subject property provides for a reasonable use of same. Through Mr. Hoswell, a letter dated January 27, 1986, directed to the Board of Appeals from Norman E. Gerber, Director of Planning and Zoning, was introduced as Petitioner's Exhibit 7. Mr. Hoswell stated that said letter was written with the knowledge that the requested reclassification was on an open site plan. Nevertheless, said letter recommends the requested reclassification. It is also interesting to note that this Petition for Reclassification was exempted by the County Council from the normal cyclical procedures. This Board is persuaded that such unusual action by the County Council demonstrates the possibility that the County Council may believe error was committed during the 1984 Comprehensive Zoning Process. Three witnesses were produced by the Protestants.

Robert W. Mockard, et al  
Case No. R-86-303

The first witness, Mr. Maurice Barsotti, stated his primary concern was traffic congestion and the attendant effect the reclassification of the subject property will have on East Avenue. Mr. Barsotti also mentioned the possibility of an increase in crime in the area if the reclassification is granted. Mrs. Mary Eck and Robert Eck reiterated Mr. Barsotti's concern about increased traffic. They also questioned the specific uses intended by the Petitioners should the reclassification request be granted. Given the extensive number and types of uses permitted in a BM zone, Mr. and Mrs. Eck were, justifiably, we believe, concerned with the proliferation of traffic and commercialization and industry in the area. Both Mr. and Mrs. Eck acknowledged, however, that they had no particular objection to the expansion of the car dealership. After having considered all of the evidence, this Board is persuaded that the concerns expressed by Mr. Barsotti and Mr. and Mrs. Eck are legitimate. Life and the quality of that life is precious and the reclassification of the subject site shall impact this neighborhood. However, we are also persuaded that the County Council did commit error in not classifying the subject site BM during the 1984 zoning process. The subject properties are surrounded by BM zones. Only across Harford Road, on the other side of the street, are these other BL and B3 zones. No CR zones are adjacent or contiguous to the subject property. This Board is also cognizant of the fact that the Court of Appeals has consistently stated that a more liberal standard is employed when considering a reclassification from one commercial zone to another. At the same time, however, we cannot be oblivious to the problems anticipated by the surrounding neighborhood.

Robert W. Mockard, et al  
Case No. R-86-303

The Petitioners' property and that upon which they are contract purchasers is peculiarly laid out. Although the particular property sought to be reclassified is not contiguous to a CR zone, much of the balance of Petitioners' property is so situated. Consequently, a specific site plan, obviously, would be preferred. Unfortunately none exists. Nevertheless, this Board cannot ignore what we believe to be obvious error. We can, however, endeavor to correct that error while protecting the quality of life of the surrounding neighborhood. This Board shall, therefore, grant the requested reclassification for the specific purpose of expanding the existing used and new car dealership. O R D E R For the reasons set forth in the foregoing Opinion, it is this 12th day of March, 1986, by the County Board of Appeals, ORDERED that the Petition for Reclassification from BL-C3-2 to BM-C3-2 be and the same is GRANTED for the specific purpose of expanding the existing used and new car dealership. Any appeal from this decision must be in accordance with Rules B-1 thru B-13 of the Maryland Rules of Procedure. COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY  
William T. Hackett, Chairman  
William F. Kirwin  
John W. Evans  
Larry B. Spurrer

IN THE MATTER OF :  
ROBERT W. MOCKARD, ET AL :  
FOR RECLASSIFICATION OF :  
PROPERTY LOCATED AT :  
HARFORD RD. AND EAST AVE. :  
FROM BL-C3-2 TO BM-C3-2 :  
11th DISTRICT : BALTIMORE COUNTY

ROBERT W. MOCKARD, ET AL, :  
PLAINTIFFS : AT LAW

DOCKING FILE NO. R-86-303 :  
Doc. No. 24 :  
Folio No. 102 :  
File No. 84-01-1262 :

CERTIFICATE OF NOTICE

M. Clerks Pursuant to the provisions of Rule B-2(d) of the Maryland Rules of Procedure, William T. Hackett, LeRoy B. Spurrer and William B. Evans, constituting the County Board of Appeals of Baltimore County, have given notice by mail of the filing of the appeal to the representative of every party to the proceeding before it; namely, Robert W. Cannon, Esq., Weinberg & Green, 100 S. Charles Street, Baltimore, Md. 21201, Counsel for Petitioners-Plaintiffs; Michael D. Eck, 9304 Carney Rd., Baltimore, Md. 21234, Protestant; Stanley H. Miller, Esq., Knickerbocker Bldg., Suite 200, 218 E. Lexington St., Baltimore, Md. 21202, Counsel for Protestant; and Phyllis C. Friedman, Court House, Towson, Md. 21284, People's Counsel for Baltimore County, a copy of which notice is attached hereto and prayed that it may be made a part thereof.

June Holmen  
County Board of Appeals of Baltimore County  
Rm. 200, Court House, Towson, Md. 21284  
47-3150

Robert W. Mockard, et al  
Case No. R-86-303

I HEREBY CERTIFY that a copy of the foregoing Certificate of Notice has been mailed to Robert W. Cannon, Esq., Weinberg & Green, 100 S. Charles St., Baltimore, Md. 21201, Counsel for Petitioners-Plaintiffs; Michael D. Eck, 9304 Carney Rd., Baltimore, Md. 21234, Protestant; Stanley H. Miller, Esq., Knickerbocker Bldg., Suite 200, 218 E. Lexington St., Baltimore, Md. 21202, Counsel for Protestant; and Phyllis C. Friedman, Court House, Towson, Md. 21284, People's Counsel for Baltimore County, on this 12th day of April, 1986.

June Holmen  
County Board of Appeals of Baltimore County

County Board of Appeals of Baltimore County  
Room 200 Court House  
Towson, Maryland 21284  
(301) 494-3180  
April 9, 1986

Robert W. Cannon, Esq.  
Weinberg & Green  
100 S. Charles Street  
Baltimore, Md. 21201  
Dear Mr. Cannon: Re: Case No. R-86-303 Robert W. Mockard, et al

In accordance with Rule B-7 (a) of the Rules of Procedure of the Court of Appeals of Maryland, the County Board of Appeals is required to submit the record of proceedings of the appeal which you have taken to the Circuit Court for Baltimore County in the above matter within thirty days.

The cost of the transcript of the record must be paid by you. Certified copies of any other documents necessary for the completion of the record must also be at your expense.

The cost of the transcript, plus any other documents, must be paid in time to transmit the same to the Circuit Court not later than thirty days from the date of any petition you might file in court, in accordance with Rule B-7 (a).

Enclosed is a copy of the Certificate of Notice, also invoice covering the cost of certified copies of necessary documents.

Very truly yours,  
June Holmen, Secretary

Encls.

County Board of Appeals of Baltimore County  
Room 200 Court House  
Towson, Maryland 21284  
(301) 494-3180  
April 9, 1986

Stanley H. Miller, Esq.  
Suite 200, Knickerbocker Bldg.  
218 E. Lexington Street  
Baltimore, Md. 21202  
Dear Mr. Miller: Re: Case No. R-86-303 Robert W. Mockard, et al

Notice is hereby given, in accordance with the Rules of Procedure of the Court of Appeals of Maryland, that an appeal has been taken to the Circuit Court for Baltimore County from the decision of the County Board of Appeals rendered in the above matter.

Enclosed is a copy of the Certificate of Notice.

Very truly yours,  
June Holmen, Secretary

Encl.  
cc: Michael D. Eck  
Phyllis C. Friedman  
Arnold Jackson  
Jean Jutz  
James Dyer  
Norman Gerber  
James Hoswell

IN THE MATTER OF  
ROBERT W. MOCKARD, ET AL.  
FOR RECLASSIFICATION OF  
PROPERTY LOCATED AT  
HARFORD RD. AND EAST AVE.  
FROM BL-CS-2 TO BM-CS-2  
11TH DISTRICT

BEFORE THE  
BOARD OF APPEALS  
OF  
BALTIMORE COUNTY

ORDER FOR APPEAL OF ROBERT W. MOCKARD, ET AL.  
FROM ACTION OF THE  
BOARD OF APPEALS OF BALTIMORE COUNTY

MR. CLERK:

Please enter an appeal on behalf of Robert W. Mockard, Steven R. Griffith, Saie' Manocheh, Mohamad Pakdaman, Mohammad Manocheh, Ezzatollah Vahedi-Faridi, Mohammad-Hossein Tehranian, Mobil Oil Corporation, and their successors, Applicants, from the Order of the Board of Appeals of Baltimore County passed in the above entitled case on March 6, 1986, to the extent that said Order conditioned reclassification of the subject property from BL-CS-2 to BM-CS-2 for the specific purpose of expanding the existing used and new car dealership.

*Robert W. Cannon*

Robert W. Cannon  
Weinberg and Green  
100 South Charles Street  
Baltimore, Maryland 21201  
(301) 332-8816

Attorney for Appellants

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing Order for Appeal was heretofore served on the Board of Appeals of Baltimore County, whose action is appealed from, by leaving a copy thereof with *Elizabeth B. Brooks*, at Room 200, Court House, Towson, Maryland 21204, this 4th day of April, 1986.

*Elizabeth B. Brooks*

Elizabeth B. Brooks

COUNTY RECEIVED  
APPEALS  
NOV 11 1986

- 2 -

IN THE MATTER OF : ROBERT W. MOCKARD, ET AL.  
FOR RECLASSIFICATION OF : PROPERTY LOCATED AT  
HARFORD ROAD AND EAST AVENUE : FROM BL-CS-2 TO BM-CS-2  
11TH DISTRICT :  
MICHAEL D. ECK, PLAINTIFF : AT LAW  
PEOPLE'S COUNSEL FOR BALTIMORE : COURT HOUSE, TOWSON, MD. 21204  
COUNTY, PLAINTIFF :  
ZONING FILE NO. R-86-303 :  
IN THE : CIRCUIT COURT  
FOR : BALTIMORE COUNTY

CERTIFICATE OF NOTICE

Mr. Clerk:

Pursuant to the provisions of Rule B-2(d) of the Maryland Rules of Procedure, William T. Hackett, LeFoy B. Spurrier and William R. Evans, constituting the County Board of Appeals of Baltimore County, have given notice by mail of the filing of the appeals to the representative of every party to the proceeding before it; namely, Michael D. Eck, 9304 Carney Rd., Baltimore, Md. 21234, Plaintiff; Stanley H. Miller, Esq., Suite 200, Knickerbocker Bldg., 218 E. Lexington St., Baltimore, Md. 21202, Counsel for Plaintiff; Phyllis C. Friedman, Court House, Towson, Md. 21204, People's Counsel for Baltimore County, Plaintiff; Robert W. Cannon, Esq., Weinberg & Green, 100 S. Charles Street, Baltimore, Md. 21201, Counsel for Petitioners, Robert W. Mockard, et al; and Steven R. Griffith, Doug Griffith Chrysler Plymouth, Inc., 9213 Harford Road, Baltimore, Md. 21234, Contract Purchaser, a copy of which Notice is attached hereto and prayed that it may be made a part thereof.

*Jane Holman*  
Jane Holman  
County Board of Appeals of Baltimore  
County, Rt. 200, Court House  
Towson, Md. 21204  
494-2160

I HEREBY CERTIFY that a copy of the foregoing Certificate of Notice has been mailed to Michael D. Eck, 9304 Carney Rd., Baltimore, Md. 21234, Plaintiff; Stanley H. Miller, Esq., Suite 200, Knickerbocker Bldg., 218 East Lexington St., Baltimore, Md. 21202, Counsel for Plaintiff; Phyllis C. Friedman, Court House, Towson, Md. 21204, People's Counsel for Baltimore County, Plaintiff; Robert W. Cannon, Esq., Weinberg & Green, 100 S. Charles St., Baltimore, Md. 21201, Counsel for Petitioners, Robert W. Mockard, et al; and Steven R. Griffith, Doug Griffith Chrysler Plymouth, Inc., 9213 Harford Rd., Baltimore, Md. 21234, Contract Purchaser, on this 4th day of April, 1986.

*Jane Holman*  
Jane Holman  
County Board of Appeals of Baltimore County



County Board of Appeals of Baltimore County

Room 200 Court House  
Towson, Maryland 21204  
(301) 494-3150  
April 4, 1986

Stanley H. Miller, Esq.  
Knickerbocker Bldg., Suite 200  
218 E. Lexington St.  
Baltimore, Md. 21202

Re: Case No. R-86-303  
Robert W. Mockard, et al

Dear Mr. Miller:

In accordance with Rule B-7 (a) of the Rules of Procedure of the Court of Appeals of Maryland, the County Board of Appeals is required to submit the record of proceedings of the appeal which you have taken to the Circuit Court for Baltimore County in the above matter within thirty days.

The cost of the transcript of the record must be paid by you. Certified copies of any other documents necessary for the completion of the record must also be at your expense.

The cost of the transcript, plus any other documents, must be paid in time to transmit the same to the Circuit Court not later than thirty days from the date of any petition you might file in court, in accordance with Rule B-7 (a).

Enclosed is a copy of the Certificate of Notice; also invoice covering the cost of certified copies of necessary documents.

Very truly yours,

*Jane Holman*  
Jane Holman, Secretary

Encls.  
cc: Michael D. Eck



County Board of Appeals of Baltimore County

Room 200 Court House  
Towson, Maryland 21204  
(301) 494-3150  
April 4, 1986

People's Counsel for Baltimore County  
Court House  
Towson, Md. 21204

Gentlemen:

Re: Case No. R-86-303  
Robert W. Mockard, et al

In accordance with Rule B-7 (a) of the Rules of Procedure of the Court of Appeals of Maryland, the County Board of Appeals is required to submit the record of proceedings of the appeal which you have taken to the Circuit Court for Baltimore County in the above matter within thirty days.

The cost of the transcript of the record must be paid by you. Certified copies of any other documents necessary for the completion of the record must also be at your expense.

The cost of the transcript, plus any other documents, must be paid in time to transmit the same to the Circuit Court not later than thirty days from the date of any petition you might file in court, in accordance with Rule B-7 (a).

Enclosed is a copy of the Certificate of Notice; also invoice covering the cost of certified copies of necessary documents.

Very truly yours,

*Jane Holman*  
Jane Holman, Secretary

Encls.



County Board of Appeals of Baltimore County

Room 200 Court House  
Towson, Maryland 21204  
(301) 494-3150  
April 4, 1986

Robert W. Cannon, Esq.  
Weinberg & Green  
100 S. Charles St.  
Baltimore, Md. 21201

Dear Mr. Cannon:

Notice is hereby given, in accordance with the Rules of Procedure of the Court of Appeals of Maryland, that an appeal has been taken to the Circuit Court for Baltimore County from the decision of the County Board of Appeals rendered in the above matter.

Enclosed is a copy of the Certificate of Notice.

Very truly yours,

*Jane Holman*  
Jane Holman, Secretary

Encl.

cc: Steven R. Griffith  
Arnold Jablon  
Jean Jung  
James Dyer  
Norman Garter  
James Mickell

COUNTY BOARD OF APPEALS

IN THE MATTER OF : ROBERT W. MOCKARD, ET AL.  
FOR RECLASSIFICATION OF : PROPERTY LOCATED AT  
HARFORD ROAD AND EAST AVE. : FROM  
FROM BL-CS-2 TO BM-CS-2 : BALTIMORE COUNTY  
11TH DISTRICT :  
ZONING MATTER R-86-303 : DOCKET NO.:  
ITEM NO. 166 :

NOTICE OF APPEAL

Please note an Appeal from the decision of the County Board of Appeals of Baltimore County in the above captioned matter under date of March 6, 1986 to the Circuit Court for Baltimore County and forward all papers to the Court for hearing.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY, that a copy of the ORDER FOR APPEAL was served upon the County Board of Appeals of Baltimore County, Room 200, Court House, Baltimore, Maryland 21204 on the 4th day of April, 1986 and that a copy of same was mailed to Robert W. Cannon, Esquire, 100 South Charles Street, Baltimore, Maryland 21201, Attorney for the Petitioners below and to People's Counsel, Room 223, Court House, Towson, Maryland 21204 on the 4th day of April, 1986.

STANLEY H. MILLER  
Knickerbocker Building, Suite 200  
218 E. Lexington Street  
Baltimore, Maryland 21202  
752-6203  
Attorney for Michael D. Eck,  
Protestant

JOLSTEIN & MILLER  
ATTORNEYS AT LAW  
218 E. LEXINGTON ST.  
BALTO., MD. 21202-3588  
TELEPHONE 752-6203

IN THE MATTER OF ROBERT W. MCKARD, ET AL FOR RECLASSIFICATION OF PROPERTY LOCATED AT HARFORD ROAD AND EAST AVE. FROM BL-CS-2 TO BM-CS-2 11th DISTRICT ZONING MATTER R-86-303 ITEM NO. 166

IN THE CIRCUIT COURT FOR BALTIMORE COUNTY AT LAW DOCKET NO. 24 FOLIO NO. 102 FILE NO. 86CG1262

PETITION FOR APPEAL

Michael D. Eck, Protestant before the County Board of Appeals and Appellant herein, having heretofore filed a Notice of Appeal from the opinion and Order of the County Board of Appeals dated March 6, 1986 in compliance with Rule B2e files this Petition setting forth the action appealed from and the grounds under which the Appeal is taken.

1. The County Board of Appeals decision and Order granting the Petition for reclassification from BL-CS-2 to BM-CS-2 was based upon no legally sufficient evidence upon which to base its conclusions.
2. That the decision of the County Board of Appeals was contrary to the evidence and that the County Board of Appeals was erroneous in its application of the law and the facts.
3. That the decision of the County Board of Appeals was illegal, arbitrary and capricious.
4. And for such other and further reasons as will be given at the hearing on this matter.

STANLEY H. MILLER  
Knickerbocker Building, Suite 200  
218 E. Lexington Street  
Baltimore, Maryland 21202  
752-6203  
Attorney for Michael D. Eck,  
Protestant

OLDSTEIN & MILLER  
ATTORNEYS AT LAW  
118 E. LEXINGTON ST.  
BALTO., MD. 21202-3588  
TELEPHONE 752-8203

CERTIFICATE OF SERVICE

I HEREBY CERTIFY, that a copy of the PETITION FOR APPEAL was served upon the County Board of Appeals of Baltimore County, Room 200, Court House, Baltimore, Maryland 21204 on the 4th day of April, 1986 and that a copy of same was mailed to Robert W. Cannon, Esquire, 100 South Charles Street, Baltimore, Maryland 21201, Attorney for the Petitioners below and to People's Counsel, Room 223, Court House, Towson, Maryland 21204 on the 4th day of April, 1986.

STANLEY H. MILLER

FILED  
COUNTY BOARD OF APPEALS  
APR 4 9 38

OLDSTEIN & MILLER  
ATTORNEYS AT LAW  
118 E. LEXINGTON ST.  
BALTO., MD. 21202-3588  
TELEPHONE 752-8203

IN THE MATTER OF THE PETITION FOR RECLASSIFICATION FROM B.L.-C.S.-2 TO B.M.-C.S.-2 ZONE NE Corner Harford Rd. & East Ave., 11th District

IN THE CIRCUIT COURT FOR BALTIMORE COUNTY AT LAW DOCKET NO. 24 FOLIO NO. 102 FILE NO. 86CG1262

NOTICE OF APPEAL

Please note an appeal from the decision of the County Board of Appeals of Baltimore County in the above-captioned matter, under date of March 6, 1986, to the Circuit Court for Baltimore County, and forward all papers in connection therewith to the Court for hearing.

Phyllis Cole Friedman  
Phyllis Cole Friedman  
People's Counsel for Baltimore County

Peter Max Zirmenman  
Deputy People's Counsel  
Room 223, Court House  
Towson, Maryland 21204  
494-2188

I HEREBY CERTIFY that on this 4th day of April, 1986, a copy of the foregoing Notice of Appeal was delivered to the Administrative Secretary, County Board of Appeals, Room 200, Court House, Towson, MD 21204; and a copy was mailed to Robert W. Cannon, Esquire, Weinberg and Green, 100 S. Charles St., Baltimore, MD 21201.

Phyllis Cole Friedman  
Phyllis Cole Friedman

FILED  
COUNTY BOARD OF APPEALS  
APR 4 9 38

IN THE MATTER OF THE PETITION FOR RECLASSIFICATION FROM B.L.-C.S.-2 TO B.M.-C.S.-2 ZONE NE Corner Harford Rd. & East Ave., 11th District

IN THE CIRCUIT COURT FOR BALTIMORE COUNTY AT LAW DOCKET NO. 24 FOLIO NO. 102 FILE NO. 86CG1262

PETITION ON APPEAL

The People's Counsel for Baltimore County, Protestant below and Appellant herein, having heretofore filed a Notice of Appeal from the Opinion and Order of the County Board of Appeals of Baltimore County, under date of March 6, 1986, in compliance with Maryland Rule B-2(e), files this Petition on Appeal setting forth the grounds upon which this Appeal is taken, viz:

1. That it was prejudicial error for the Board of Appeals to admit evidence concerning the proposed use of the subject site if the rezoning was obtained.
  2. That the County Board of Appeals had no legally sufficient evidence upon which to base its conclusion that the requested reclassification was warranted, and therefore their Order passed herein is illegal, arbitrary, and capricious.
- WHEREFORE, Appellant prays that the Order of the County Board of Appeals under date of March 6, 1986 be reversed, and that the zoning classification of the subject property remain at B.L.-C.S.-2.

Phyllis Cole Friedman  
Phyllis Cole Friedman  
People's Counsel for Baltimore County

- 2 -

Peter Max Zirmenman  
Deputy People's Counsel  
Room 223, Court House  
Towson, Maryland 21204  
494-2188

I HEREBY CERTIFY that on this 4th day of April, 1986, a copy of the foregoing Petition on Appeal was delivered to the Administrative Secretary, County Board of Appeals, Room 200, Court House, Towson, MD 21204; and a copy was mailed to Robert W. Cannon, Esquire, Weinberg and Green, 100 S. Charles ST., Baltimore, MD 21201.

Phyllis Cole Friedman  
Phyllis Cole Friedman



County Board of Appeals of Baltimore County  
Room 200 Court House  
Towson, Maryland 21204  
(301) 494-3180  
April 3, 1986

Robert W. Cannon, Esq.  
Weinberg & Green  
100 S. Charles St.  
Baltimore, Md. 21201

Re: Case No. R-86-303  
Robert W. Mckard, et al

Dear Mr. Cannon:

Enclosed herewith please find copy of Motion to Strike and for Expedited Proceedings which was denied by the Board this date.

Very truly yours,

Jane Holmen  
Jane Holmen, Secretary

Encl.  
cc: Steven R. Griffith  
Michael D. Eck  
Phyllis C. Friedman  
Arnold Jablon  
Jean Jung  
James Dyer  
Norman Genter  
James Roswell

FILED  
COUNTY BOARD OF APPEALS  
APR 4 9 38

IN THE MATTER OF ROBERT W. MCKARD, ET AL FOR RECLASSIFICATION OF PROPERTY LOCATED AT HARFORD RD. AND EAST AVE. FROM BL-CS-2 TO BM-CS-2 11TH DISTRICT

BEFORE COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY No. R-86-303 Item #166

MOTION TO STRIKE AND FOR EXPEDITED PROCEEDINGS

Petitioners, Steven R. Griffith and Mobil Oil Corporation, by their attorney, Robert W. Cannon, respectfully move that the Board strike the last paragraph of the Opinion and the entire Order issued herein on March 6, 1986, to allow time for discussions among counsel for each party as to an appropriate form of the Order and the subsequent determination by the Board of an acceptable form of the Order, during which time the Board shall retain jurisdiction over this matter.

Petitioners also move for an expedited hearing on this motion on the ground that the 30 day period during which the Board has revisory power and control over the Order pursuant to Rule 10 of the Rules of Practice and Procedure of the County Board of Appeals expires on April 5, 1986.

People's Counsel has been consulted and have advised Petitioner's attorney that they have no objection to the entry of the herein requested Order.

Filed  
4/3/86

Robert W. Cannon  
Weinberg and Green  
100 South Charles Street  
Baltimore, Maryland 21201  
(301) 332-8316  
Attorney for Petitioners

ORDER

For the reasons set forth in the foregoing Motion, it is this \_\_\_ day of April, 1986, by the County Board of Appeals, ORDERED that the last paragraph of the Opinion and the entire Order granted herein on March 6, 1986 be struck, pending reconsideration of the form of said Order, during which time the Board shall retain jurisdiction over this matter.

COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY

William T. Hackett  
William T. Hackett, Chairman

William R. Evans  
William R. Evans

Lesley S. Spurrier  
Lesley S. Spurrier

CERTIFICATE OF SERVICE

I HEREBY CERTIFY on this 12 day of April, 1986, a copy of the foregoing Motion to Strike and For Expedited Proceedings was served on People's Counsel, by leaving a copy thereof with Shirley M. Hess, at Room 223, Court House, Towson, Maryland 21204.

Robert W. Cannon
Robert W. Cannon
Attorney for Petitioners

RECEIVED
COUNTY BOARD OF APPEALS
APR 1 1986

BEFORE
COUNTY BOARD OF APPEALS
OF
BALTIMORE COUNTY
No. R-86-303
Item #166

OPINION

The above captioned matter comes before this Board on a Petition for Reclassification out of cycle.

Testimony and evidence was received by this Board on Wednesday, February 12, 1986.

Petitioner's Exhibit 2, pictorially describes the existing zoning on the subject site as well as the property Petitioner now seeks to rezone.

Witnesses for the Petitioner testified, over objection by the People's Counsel, that the intended use of the subject site was for the expansion of the new and used car dealership of Griffith Chrysler-Plymouth. The basis of People's Counsel's objection was the failure of the Petitioner to submit a specific site plan.

William F. Kirwin, an expert land planner and architect, testified that he believed the County Council committed error in the 1984 zoning maps. He also stated that the requested reclassification would be consistent with the surrounding classifications, would comply with the 502.1 requirements of the Baltimore County Zoning Regulations and would provide a reasonable use for the subject property.

John W. Guckert, a Traffic Engineer, testified that in his opinion the reclassification of the subject site would not adversely affect traffic flow or result in increased congestion.

Robert W. Mockard, et al
Case No. R-86-303

Mr. Guckert's testimony was questioned by the Protestants, however, it is apparent that the Protestants' questions concerned Mr. Guckert's description of East Avenue and Harford Road as a level A intersection rather than the resultant change of traffic flow and/or congestion resulting from a reclassification of the subject property.

Frederick P. Klaus, a real estate consultant, testified that in his opinion the County Council had committed error, that he was certain a BM classification rather than BL would have been placed on the subject property during the 1984 Comprehensive Zoning Process if it had been an issue and further that the reclassification of the subject property would comply with the 502.1 requirements of the Baltimore County Zoning Regulations.

James Hoswell, land planner for Baltimore County, testified that the present zoning of the subject property provides for a reasonable use of same. Through Mr. Hoswell, a letter dated January 27, 1986, directed to the Board of Appeals from Norman E. Gerber, Director of Planning and Zoning, was introduced as Petitioner's Exhibit 7. Mr. Hoswell stated that said letter was written with the knowledge that the requested reclassification was on an open site plan. Nevertheless, said letter recommends the requested reclassification.

It is also interesting to note that this Petition for Reclassification was exempted by the County Council from the normal cyclical procedures. This Board is persuaded that such unusual action by the County Council demonstrates the possibility that the County Council may believe error was committed during the 1984 Comprehensive Zoning Process.

Three witnesses were produced by the Protestants.

Robert W. Mockard, et al
Case No. R-86-303

The first witness, Mr. Maurice Barsotti, stated his primary concern was traffic congestion and the attendant effect the reclassification of the subject property will have on East Avenue. Mr. Barsotti also mentioned the possibility of an increase in crime in the area if the reclassification is granted.

Mrs. Mary Eck and Robert Eck reiterated Mr. Barsotti's concern about increased traffic. They also questioned the specific uses intended by the Petitioners should the reclassification request be granted. Given the extensive number and types of uses permitted in a BM zone, Mr. and Mrs. Eck were, justifiably, we believe, concerned with the proliferation of traffic and commercialization and industry in the area. Both Mr. and Mrs. Eck acknowledged, however, that they had no particular objection to the expansion of the car dealership.

After having considered all of the evidence, this Board is persuaded that the concerns expressed by Mr. Barsotti and Mr. and Mrs. Eck are legitimate. Life and the quality of that life is precious and the reclassification of the subject site shall impact this neighborhood. However, we are also persuaded that the County Council did commit error in not classifying the subject site BM during the 1984 zoning process. The subject properties are surrounded by BM zones. Only across Harford Road, on the other side of the street, are these other BL and BR zones. No BR zones are adjacent or contiguous to the subject property.

This Board is also cognizant of the fact that the Court of Appeals has consistently stated that a more liberal standard is employed when considering a reclassification from one commercial zone to another. At the same time, however, we cannot be oblivious to the problems anticipated by the surrounding neighborhood.

Robert W. Mockard, et al
Case No. R-86-303

The Petitioners' property and that upon which they are contract purchasers is peculiarly laid out. Although the particular property sought to be reclassified is not contiguous to a DR zone, much of the balance of Petitioners' property is so situated. Consequently, a specific site plan, obviously, would be preferred. Unfortunately none exists. Nevertheless, this Board cannot ignore what we believe to be obvious error. We can, however, endeavor to correct that error while protecting the quality of life of the surrounding neighborhood.

This Board shall, therefore, grant the requested reclassification for the specific purpose of expanding the existing used and new car dealership.

ORDER

For the reasons set forth in the foregoing Opinion, it is this 12th day of March, 1986, by the County Board of Appeals, ORDERED that the Petition for Reclassification from BL-CO-2 to BM-CO-2 be and the same is GRANTED for the specific purpose of expanding the existing used and new car dealership.

Any appeal from this decision must be in accordance with Rules B-1 thru B-13 of the Maryland Rules of Procedure.

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

William T. Hackett
William T. Hackett, Chairman

Richard A. Spiller
Richard A. Spiller



County Board of Appeals of Baltimore County

Room 200 Court House
Towson, Maryland 21204
(301) 494-3180

March 6, 1986

Robert W. Cannon, Esq.
Stephen Posen, Esq.
Weinberg & Green
100 S. Charles St.
Baltimore, Md. 21201

Case No. R-86-303
Robert W. Mockard, et al

Gentlemen:

Enclosed herewith is a copy of the Opinion and Order passed today by the County Board of Appeals in the above entitled case.

Very truly yours,

Jane Holmer
Jane Holmer, Secretary

Encl.
cc: Steven R. Griffith
Michael D. Eck
Phyllis C. Friedman
Arnold Feldman
Jean Jung
James Dyer
Norman Gerber
James Hoswell



BALTIMORE COUNTY
OFFICE OF PLANNING & ZONING
TOWSON, MARYLAND 21204
494-3353

ARNOLD JARON
ZONING COMMISSIONER
February 5, 1986

JEAN M. H. JUNG
DEPUTY ZONING COMMISSIONER

Robert W. Cannon, Esquire
Weinberg and Green
100 South Charles Street
Baltimore, Maryland 21201

RE: PETITION FOR ZONING RECLASSIFICATION
Northeast Corner of Harford Road and East Avenue
(now abandoned) - 11th Election District
Robert W. Mockard, et al - Petitioners
Case No. R-86-303

Dear Mr. Cannon:

This is to advise you that \$100.00 is due for advertising and posting of the above property. This fee must be paid before an Order is issued.

Please make the check payable to Baltimore County, Maryland, and remit to Office, Room 113, County Office Building, hearing.

Sincerely,
Arnold Jaron
Zoning Commissioner

WHILE YOU WERE OUT
To: CBA June
Date: 2-24-86
Time: 11:20 AM
M: [Signature]
Phone: [Signature]
Area Code Number Extension
TELEPHONED PLEASE CALL
CALLED TO SEE YOU WILL CALL AGAIN
WANTS TO SEE YOU URGENT
RETURNED YOUR CALL
Message: R-96-303 was paid on Feb 17 1986

Campbell 06301

Robert W. Cannon, Esquire
Weinberg & Green
100 South Charles Street
Baltimore, Maryland 21201

January 10, 1986

NOTICE OF HEARING

RE: PETITION FOR ZONING RECLASSIFICATION
Northeast Corner of Harford Road and East Avenue
(now abandoned) - 11th Election District
Petitioners: Robert W. Mockard, et al
Case No. R-86-303

TIME: 10:00 A.M.

DATE: Wednesday, February 12, 1986

PLACE: Room 218, Courthouse, Towson, Maryland

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE-REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

No. 00000
W. T. Hackett, Chairman
of Appeals

DATE: ACCOUNT:

AMOUNT \$:

RECEIVED FROM:

FOR:

VALIDATION OF RECEIPT BY FILED IN:

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

William T. Hackett, Chairman
To County Board of Appeals
Date: August 27, 1986
Norman E. Gerber, AICP, Director
FROM: Office of Planning and Zoning
SUBJECT: Zoning Reclassification Petition No. R-86-303
Property Owners: Robert M. Mockard, et al

This 2.48-acre tract is part of a 14.5-acre property located on the northeast side of Harford Road at East Avenue. The portion of the property that is the subject of this petition is zoned B.L.-C.S.-2. On the opposite side of Harford Road are properties zoned B.L.-C.S.-2 and B.R.-C.S.-2, respectively. All of the remainder of the properties abutting the subject site and all of the remainder of the entire 14.5-acre property are zoned B.M., with a portion having a C.S.-2 District designation. The petition is proposing that the zoning classification of the subject 2.48-acre parcel of land be changed from B.L.-C.S.-2 to B.M.-C.S.-2, thereby placing the entire 14.5-acre property in the B.M. zoning classification.

This petition was exempted by action of the County Council from the normal cyclical procedures. At that time, the petitioner's representative stated that the overall property has been assembled for the purpose of razing the existing structures and constructing a new car dealership here.

It is this office's opinion that the petitioner's request should be granted. The replacement of the existing strip commercial use and of the Weber Storage and Moving operation with a single development would be expected to reduce traffic congestion at the site. Certainly, the problems experienced by the community with the Weber operation would be resolved. Further, through the future processing by the County of plans for the entire site, the opportunity exists to improve access to the entire property as well as buffering to protect the adjacent residential area; the County has been virtually powerless to address these concerns while faced with the existing uses here.

It is therefore recommended that the petitioner's request be granted. It is this office's opinion that the resultant homogeneous zoning classification for the entire property coupled with the proposed redevelopment would be in the public interest.

Norman E. Gerber
Norman E. Gerber, AICP
Director

NEG:slm
cc: Phyllis Cole Friedman
Robert W. Cannon
J.G. Roswell

WEINBERG AND GREEN

ATTORNEYS AT LAW
100 SOUTH CHARLES STREET
BALTIMORE MD 21201

BALTIMORE 301-332-8600
WASHINGTON AREA 601-5490
TELECOPIER 301-332-8683

WRITER'S DIRECT DIAL NUMBER
(301) 332-8816
January 8, 1986

BY HAND DELIVERY

Mr. James E. Dyer
Zoning Office
First Floor,
County Office Building
Towson, Maryland 21204

Re: Zoning Reclassification Petition
Mockard, et al.
Harford Road

Dear Jim:

In accordance with our discussion enclosed you will find the amended legal description we have prepared to reflect the fact that this description follows the zoning lines. Two (2) copies are enclosed so that one can be utilized in connection with the publication.

I will supply you with copies of the description which have been sealed within a short time.

Thank you for your assistance.

Sincerely yours,

Robert W. Cannon

081/amr
Enclosure

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

Thomas Toporovich
County Council Secretary - Administrator
Date: November 22, 1985
Norman E. Gerber, AICP, Director
Office of Planning and Zoning
Zoning Reclassification Petition: Steven R. Griffith, et al
SUBJECT: Request for exemption from cyclical procedures

Robert Mockard, et al
Steven 166

At its meeting on November 21, 1985, the Baltimore County Planning Board certified to the County Council that early action on the subject Zoning Reclassification Petition would be in the public interest. I would appreciate your scheduling this item for Council consideration as soon as possible.

Thank you for your cooperation in this matter.

Norman E. Gerber
Norman E. Gerber, AICP
Director of Planning and Zoning

NEG:slm

attachments

cc: The Honorable Donald P. Hutchinson
County Executive

B. Melvin Cole
County Administrative Officer

William T. Hackett, Chairman
County Board of Appeals

Malcolm Spicer
County Solicitor

Phyllis Cole Friedman
People's Counsel

James E. Dyer
Zoning Supervisor

Robert W. Cannon, Esquire.

BALTIMORE COUNTY PLANNING BOARD

RESOLUTION

November 21, 1985

WHEREAS, Pursuant to Subsection 2-58.1(1) of the Baltimore County Code 1978 as amended, the Baltimore County Planning Board has reviewed the request by Steven R. Griffith, et al to exempt from zoning cycle the subject reclassification petition; and

WHEREAS, The Planning Board believes that early action on this petition to provide for consideration of the timely expansion and benefits therefrom; therefore, be it

RESOLVED, That the Baltimore County Planning Board hereby certifies to the County Council of Baltimore County that early action on the subject Zoning Reclassification Petition would be in the public interest.

I HEREBY CERTIFY that the above resolution was duly adopted by the Baltimore County Planning Board at its meeting in Towson, Maryland, on November 21, 1985.

Norman E. Gerber
Norman E. Gerber, AICP
Secretary of the Baltimore County
Planning Board

Date

WEINBERG AND GREEN

ATTORNEYS AT LAW
100 SOUTH CHARLES STREET
BALTIMORE, MD. 21201

BALTIMORE 301-332-8600
WASHINGTON AREA 601-5490
TELECOPIER 301-332-8683

WRITER'S DIRECT DIAL NUMBER
(301) 332-8816
October 30, 1985

WEINBERG AND GREEN

Mr. Norman Berger
October 30, 1985
Page 2

resulting in additional employment and an expanded tax base for Baltimore County. In this regard, Griffith has contracted with his co-Petitioners to purchase several parcels of property adjacent to Griffith's current facility, portions of which parcels are located within a BL-CS-2 zone. In order to proceed with Griffith's plans, a reclassification of the property located within the BL zone must be granted.

The automobile manufacturer is requiring that the negotiations for the new dealership be concluded within a short period of time and is unable to defer its decision regarding the dealership for a period of time sufficient to allow Petitioners to request the zoning reclassification during the normal zoning cycle. Failure to obtain an expeditious decision with respect to the subject petition could, therefore, block the awarding of this new franchise to Griffith, resulting in the potential loss of important new business in Baltimore County. In short, this is an emergency situation. Time is of the essence in this transaction and deferring the hearing of Petitioners' request by the Board of Appeals until late next year would almost certainly destroy the prospects of adding a substantial and important new business to the County.

As noted in Petitioners' petition, this reclassification is warranted by a substantial change in the character of the neighborhood and by error in the classification of the property in the last comprehensive zoning map revision. Further, the public interest would be well served by the razing and elimination of the Weber Moving and Storage facility. The Weber facility is in a poor and unsightly condition and its operation results in a substantial amount of tractor-trailer truck traffic into and out of the storage facility. The construction of modern, safe and clean improvements in place of the Weber facility would clearly improve the health, safety and general welfare of the public. Petitioners' inability to promptly secure the new automobile franchise would almost certainly block both the vitally required improvements to the Weber site and the implementation of a prime economic opportunity for Baltimore County.

Thank you for your consideration of this request.

Very truly yours,

Robert W. Cannon

238/cwp

cc: Hon. Kenneth W. Dryden, Chairman - Planning Board
Hon. James T. Smith, Jr., Chairman - County Council
Hon. Eugene W. Gallagher

IN THE MATTER OF THE PETITION OF STEVEN R. GRIFFITH, SAIED MANOCHEH, MOHAMAD PAKDAMAN, MOHAMMED MANOCHEH, EZZATOLLAH VAHEDI-FARIDI, MOHAMMAD-HOSSEIN TEHRANIAN, ROBERT W. MOCKARD, AND MOBIL OIL CORPORATION FOR ZONING RECLASSIFICATION OF CERTAIN PARCELS OF LAND IN THE VICINITY OF HARFORD ROAD AND EAST AVENUE

BEFORE THE BALTIMORE COUNTY BOARD OF APPEALS

STATEMENT IN SUPPORT OF PETITION FOR ZONING RECLASSIFICATION

Steven R. Griffith, Saied Manocheh, Mohamad Pakdaman, Mohammad Manocheh, Ezzatollah Vahedi-Faridi, Mohammad-Hossein Tehranian, Robert W. Mockard and Mobil Oil Corporation ("Petitioners"), in support of their Petition for Zoning Reclassification filed herein, state that:

1. The Petitioners request a change in the zoning classification of certain parcels of land located at the southwest and southeast intersections of Harford Road and East Avenue, as shown on the plat attached hereto (the "Property") from a BL-CS-2 zone (business local) to a BM-CS-2 zone (business major).

2. An error in the classification of the Property in the 1984 comprehensive zoning map revision process and a substantial change in the character of the neighborhood in which the Property is located justifies reclassification of the Property from a BL to a BM zone.

166

3. As the attached plat indicates, the Property is bounded by Harford Road on one side and BM zoned land to the other three sides. The Property was obviously overlooked during the previous comprehensive zoning map revision process and was left surrounded primarily by property with a higher use classification. Extension of the surrounding BM zone into the Property would complete the desirable reclassification of the surrounding area into contiguous BM zoned land, unbroken by pockets of BL zoned parcels. The present erroneous classification of the Property prohibits uses compatible with the present and future development and characteristics of the surrounding BM zoned areas. Thus, reclassification of the zoning for the Property to a BM zone would allow for development of the Property in a planned orderly manner more closely in keeping with the dominant land use of the surrounding area.

4. The requested zoning reclassification would not affect the availability and adequacy of the present transportation facilities, water-supply facilities, waste-water facilities, or other public facilities which serve the area. Adoption of the BM zone for the Property would in no manner be detrimental to the health, safety or general welfare of the public in the surrounding area. If the requested zoning reclassification is granted, the then available uses for the Property and surrounding area would eliminate the substantial amount of tractor-trailer truck

traffic into and out of the Weber Moving and Storage facility located on an adjacent parcel. The elimination of the Weber facility, which is in a poor and unsightly condition, and the construction in its place of safe, sanitary and modern improvements would clearly be in the public interest.

For all of the foregoing reasons, the Petitioners respectfully request that their petition for zoning reclassification be granted.

*Robert W. Cannon*  
 Robert W. Cannon  
 Weinberg and Green  
 100 South Charles Street  
 Baltimore, Maryland 21201  
 (301) 332-8816  
 Attorney for Petitioner

PEOPLE'S COUNSEL FOR BALTIMORE COUNTY, Appellant  
 v. ROBERT W. MOCKARD, et al., Appellees  
 IN THE CIRCUIT COURT FOR BALTIMORE COUNTY AT LAW  
 Case No. 86-CG-1262

NOTICE OF APPEAL

Please note an appeal to the Court of Special Appeals of Maryland from the decision of the Circuit Court for Baltimore County in the above-captioned matter, under date of March 3, 1987, and forward all papers in connection with said matter to the Clerk of the Court of Special Appeals of Maryland in accordance with the Maryland Rules.

*Phyllis Cole Friedman*  
 Phyllis Cole Friedman  
 People's Counsel for Baltimore County

*Peter Max Zimmerman*  
 Peter Max Zimmerman  
 Deputy People's Counsel  
 Room 223, Court House  
 Towson, Maryland 21204  
 494-2188

I HEREBY CERTIFY that on this 2nd day of April, 1987, a copy of the foregoing Notice of Appeal was mailed to Robert W. Cannon, Esquire, Weinberg and Green, 100 S. Charles St., Baltimore, MD 21201; and Stanley H. Miller, Esquire, Knickerbocker Bldg., Suite 200, 218 E. Lexington St., Baltimore, MD 21202.

*Phyllis Cole Friedman*  
 Phyllis Cole Friedman



County Board of Appeals of Baltimore County

Room 200 Court House  
 Towson, Maryland 21204  
 (301) 494-3180

July 21, 1987

Howard E. Friedman, Clerk  
 Court of Special Appeals  
 of Maryland  
 Annapolis, MD 21401-1698

Re: Case No. 86-CG-1262  
 (Robert W. Mockard, et al)

Dear Mr. Friedman:

We would appreciate your noting our request for a copy of the Opinion in the above-entitled case when it is filed by the Court of Special Appeals.

Thank you.

Sincerely,

*Kathleen C. Weidenhammer*  
 Kathleen C. Weidenhammer  
 Administrative Secretary

ROBT. W. MOCKARD, ET AL R-86-303, Item 166  
 Harford Rd. and East Ave. 11th District  
 BL-CS-2 to BM-CS-2

Dec. 12, 1985 Petition filed  
 Feb. 12, 1986 Hearing before the Board  
 March 6 Order of the Board GRANTING the reclassification for the purpose of expanding the existing used and new car dealership.  
 Apr. 4 Order for Appeal filed in the Cir. Ct. by Phyllis C. Friedman, People's Counsel  
 Apr. 4 Order for Appeal filed in the Cir. Ct. by Stanley Miller, Esq. on behalf of Michael L. Eck, protestant.  
 Apr. 4 Certificate of Notice sent out  
 Apr. 7 Order for Appeal filed in the Cir. Ct. by Robt. W. Cannon, Esq., on behalf of Petitioners.  
 Apr. 9 Certificate of Notice sent out  
 May 8 Extension of Time to Transmit Record  
 Aug. 1, 1986 Record of proceedings filed in the Cir. Ct. for Balto. County  
 Aug. 25 PC's Memo filed in CCT.  
 Aug. 29 Extension of Time to File Memoranda to 29th day of October 1986  
 Oct. 29 Petitioner's Memorandum filed.  
 Feb. 10, 1987 Appellant's (Michael D. Eck) Consent to Judgment in Favor of Robert W. Mockard, et al filed  
 Feb. 11 Hearing had; Opinion order to be filed. (Hon. William H. Mickerson)  
 March 4 REVERSED condition imposed on reclassification; REMANDED to CBA for findings consistent with Sec. 2-58.1(j)(2), Co Code, 1978 Ed., as amended  
 April 2 Notice of Appeal filed by PC to Ct of Special Appeals  
 December 7 Circuit Court AFFIRMED by CSA.

PETITION FOR ZONING RE-CLASSIFICATION SPECIAL EXCEPTION AND/OR VARIANCE

TO THE COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY:

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition (1) that the zoning status of the herein described property be re-classified, pursuant to the Zoning Law of Baltimore County, from an BL-CS-2 zone to an BM-CS-2 zone, for the reasons given in the attached statement; and (2) for a Special Exception under the said Zoning Law and Zoning Regulations of Baltimore County, to use the herein described property, for

and (3) for reasons given in the attached statement, a variance from the following sections of the Zoning Law and Zoning Regulations of Baltimore County:

NE 95  
 4-C  
 117H  
 1-C  
 300

ZONING DESCRIPTION

As Amended 1/7/86

Description of current BL-CS-2 area to be reclassified as BM-CS-2

Beginning for the same at a point in the centerline of Harford Road as shown on S.R.C. Plat Number 2696, said point being at the intersection of the centerline of East Avenue (now abandoned) as shown on a Plat of Leggett Heights recorded among the Land Records of Baltimore County, Maryland in Plat Book 7, Folio 157, thence running with and binding on the centerline of Harford Road, North 41 degrees 59 minutes East, 440 feet to a point on the zoning line dividing BL-CS2 property from BM-CS2 property, thence leaving said centerline of Harford Road and running the following two courses along said zoning line: South 48 degrees 41 minutes East, 300 feet to a point on the zoning line dividing BL-CS2 property from BM property, and South 41 degrees 59 minutes West along said zoning line, 200 feet to a point along the centerline of East Avenue as now relocated on the zoning line dividing BL-CS2 property from BM property, thence running with the said centerline of relocated East Avenue and said zoning line, North 48 degrees 41 minutes West, 100 feet along said zoning line, thence leaving the centerline of relocated East Avenue and running South 41 degrees 59 minutes West on the zoning line dividing BL-CS2 property from BM property, 240 feet along said zoning line to a point in the centerline of the abandoned East Avenue as shown on the aforementioned Plat of Leggett Heights, thence binding on the said centerline of abandoned East Avenue, North 48 degrees 41 minutes West along said zoning line, 200 feet to the place of beginning.

Containing 2.48 Acres of land more or less and lying in the 11th Election District and the 6th Councilmatic District of Baltimore County Maryland.

PETITION FOR RECLASSIFICATION 11th Election District

LOCATION: Northeast Corner of Harford Road and East Avenue (now abandoned)

PUBLIC HEARING: Wednesday, February 12, 1986 at 10:00 a.m. in Room 218, Courthouse, Towson, Maryland

The County Board of Appeals for Baltimore County, by authority of the Baltimore County Charter, will hold a public hearing:

Reclassify zoning status of property from a BL-CS-2 zone to a BM-CS-2 zone.

All that parcel of land in the 11th District of Baltimore County

Beginning for the same at a point in the centerline of Harford Road as shown on S.R.C. Plat Number 2696, said point being at the intersection of the centerline of East Avenue (now abandoned) as shown on a Plat of Leggett Heights recorded among the Land Records of Baltimore County, Maryland in Plat Book 7, Folio 157, thence running with and binding on the centerline of Harford Road, North 41 degrees 59 minutes East, 440 feet to a point on the zoning line dividing BL-CS2 property from BM-CS2 property, thence leaving said centerline of Harford Road and running the following two courses along said zoning line: South 48 degrees 41 minutes East, 300 feet to a point on the zoning line dividing BL-CS2 property from BM property, and South 41 degrees 59 minutes West along said zoning line, 200 feet to a point along the centerline of East Avenue as now relocated on the zoning line dividing BL-CS2 property from BM property, thence running with the said centerline of relocated East Avenue and said zoning line, North 48 degrees 41 minutes West, 100 feet along said zoning line, thence leaving the centerline of relocated East Avenue and running South 41 degrees 59 minutes West on the zoning line dividing BL-CS2 property from BM property, 240 feet along said zoning line to a point in the centerline of the abandoned East Avenue as shown on the aforementioned Plat of Leggett Heights, thence binding on the said centerline of abandoned East Avenue, North 48 degrees 41 minutes West along said zoning line, 200 feet to the place of beginning.

Containing 2.48 Acres of land more or less and lying in the 11th Election District and the 6th Councilmatic District of Baltimore County Maryland.

BY OWNER OF PROPERTY: ROBERT W. MOCKARD, ET AL as shown on the plan plan filed with the Zoning Department.  
 BY CLERK OF COUNTY BOARD OF APPEALS: WILLIAM T. BACKETT, CHAIRMAN BALTIMORE COUNTY.

ZONING DESCRIPTION

As Amended 1/7/86

Description of current BL-CS-2 area to be reclassified as BM-CS-2

Beginning for the same at a point in the centerline of Harford Road as shown on S.R.C. Plat Number 2696, said point being at the intersection of the centerline of East Avenue (now abandoned) as shown on a Plat of Leggett Heights recorded among the Land Records of Baltimore County, Maryland in Plat Book 7, Folio 157, thence running with and binding on the centerline of Harford Road, North 41 degrees 59 minutes East, 440 feet to a point on the zoning line dividing BL-CS2 property from BM-CS2 property, thence leaving said centerline of Harford Road and running the following two courses along said zoning line: South 48 degrees 41 minutes East, 300 feet to a point on the zoning line dividing BL-CS2 property from BM property, and South 41 degrees 59 minutes West along said zoning line, 200 feet to a point along the centerline of East Avenue as now relocated on the zoning line dividing BL-CS2 property from BM property, thence running with the said centerline of relocated East Avenue and said zoning line, North 48 degrees 41 minutes West, 100 feet along said zoning line, thence leaving the centerline of relocated East Avenue and running South 41 degrees 59 minutes West on the zoning line dividing BL-CS2 property from BM property, 240 feet along said zoning line to a point in the centerline of the abandoned East Avenue as shown on the aforementioned Plat of Leggett Heights, thence binding on the said centerline of abandoned East Avenue, North 48 degrees 41 minutes West along said zoning line, 200 feet to the place of beginning.

Containing 2.48 Acres of land more or less and lying in the 11th Election District and the 6th Councilmatic District of Baltimore County Maryland.

Property is to be posted and advertised as prescribed by The Baltimore County Code.

I, or we, agree to pay expenses of above Re-classification, Special Exception and/or Variance, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contract Purchaser: STEVEN R. GRIFFITH (Type of Print Name)  
 Signature: *Steven R. Griffith*  
 DOUG GRIFFITH CHRYSLER PLYMOUTH, INC.  
 9212 HARFORD ROAD  
 BALTIMORE, MARYLAND 21234  
 City and State

Legal Owner(s): ROBERT W. MOCKARD (Type of Print Name)  
 Signature: *Robert W. Mockard*  
 MOBIL OIL CORPORATION (Type of Print Name)  
 By: *Robert W. Cannon*  
 Signature ROBERT W. CANNON, Attorney and Authorized Representative [See attached continuation of signature page]  
 Address: \_\_\_\_\_ Phone No. \_\_\_\_\_  
 City and State: \_\_\_\_\_

Attorney for Petitioner: ROBERT W. CANNON, ESQUIRE (Type of Print Name)  
 Signature: *Robert W. Cannon*  
 WEINBERG AND GREEN  
 100 SOUTH CHARLES STREET  
 BALTIMORE, MARYLAND 21201  
 City and State

Name, address and phone number of legal owner, contract purchaser or representative to be contacted: ROBERT W. CANNON, ESQUIRE  
 WEINBERG AND GREEN  
 100 SOUTH CHARLES STREET  
 BALTIMORE, MARYLAND 21201  
 Address (301) 332-8816 Phone No. \_\_\_\_\_

Attorney's Telephone No.: (301) 332-8816

**Petition For Reclassification**  
 11th Election District  
 LOCATION: Northeast Corner of Harford Road and East Avenue (see attached)  
 PUBLIC HEARING: Wednesday, Feb. 12, 1986, at 10 A.M. in Room 114, Courthouse, Towson, Maryland.  
 The County Board of Appeals for Baltimore County, by authority of the Baltimore County Charter, will hold a public hearing.  
 Sufficient zoning status of property from a BL-CB-3 zone to a BM-CB-3 zone.  
 All that parcel of land in the 11th District of Baltimore County being used for the site at a point in the center of Harford Road as shown on S.R.C. Plat Number 299, said point being at the intersection of the centerline of East Avenue (see attached) as shown on a Plat of Leggett Heights recorded among the Land Records of Baltimore County, Maryland, in Plat Book 7, Folio 187, thence running with and binding on the centerline of Harford Road, North 41 degrees 40 minutes East, 100 feet to a point on the zoning line dividing BL-CB-3 property from BM-CB-3 property, thence leaving said centerline of Harford Road and running the following two courses along said zoning line: South 41 degrees 41 minutes East, 200 feet to a point on the zoning line dividing BL-CB-3 property from BM-CB-3 property, and South 41 degrees 40 minutes West along said zoning line, 200 feet to a point along the centerline of East Avenue as now relocated on the zoning line dividing BL-CB-3 property from BM-CB-3 property, thence running with the said centerline of relocated East Avenue and said zoning line, North 41 degrees 41 minutes West, 100 feet along said zoning line, thence leaving the centerline of relocated East Avenue and running South 41 degrees 40 minutes West on the zoning line dividing BL-CB-3 property from BM-CB-3 property, 200 feet along said zoning line to a point in the centerline of the abandoned East Avenue as shown on the aforementioned Plat of Leggett Heights, thence binding on the said centerline of abandoned East Avenue, North 41 degrees 41 minutes West along said zoning line, 200 feet to the place of beginning.  
 Containing 1.48 Acres of land more or less and lying in the 11th Election District and the 4th Geographic District of Baltimore County, Maryland.  
 Being the property of Robert W. Mochard, et al, as shown on the plat plan filed with the Zoning Department.  
 By Order of  
 William T. Hackett  
 Chairman  
 County Board of Appeals  
 Baltimore County

**The Times**  
 Middle River, Md., Jan 23 1986  
 This is to certify, That the annexed  
 Petition Reg 2846  
 was inserted in The Times, a newspaper printed and published in Baltimore County, once in each of one successive weeks before the 23rd day of Jan, 1986  
James B. ... Publisher

**CERTIFICATE OF POSTING**  
 ZONING DEPARTMENT OF BALTIMORE COUNTY  
 Towson, Maryland  
 District: 11th  
 Parcel for: Reclassification  
 Petitioner: Robert W. Mochard, et al  
 Location of property: Northeast Corner of Harford Road and East Avenue, Baltimore County, Maryland  
 Location of Sign: On the zoning line dividing BL-CB-3 property from BM-CB-3 property, thence running with the centerline of relocated East Avenue and said zoning line, North 41 degrees 41 minutes West, 100 feet along said zoning line, thence leaving the centerline of relocated East Avenue and running South 41 degrees 40 minutes West on the zoning line dividing BL-CB-3 property from BM-CB-3 property, 200 feet along said zoning line to a point in the centerline of the abandoned East Avenue as shown on the aforementioned Plat of Leggett Heights, thence binding on the said centerline of abandoned East Avenue, North 41 degrees 41 minutes West along said zoning line, 200 feet to the place of beginning.  
 Number of Signs: 3  
 Date of Posting: 1/19/86  
1186-323

County Council of Baltimore County  
 Court House, Towson, Maryland 21201  
 [301] 491-3196  
 COUNCIL  
 December 17, 1985  
 William T. Hackett, Chairman  
 Baltimore County Board of Appeals  
 Court House  
 Towson, Maryland 21204  
 Dear Mr. Hackett:  
 This is to advise you that the County Council, at their meeting on Monday, December 16, 1985, approved the Planning Board's motion certifying that early action on the Steven R. Griffith, et al Zoning Reclassification Petition would be in the public interest.  
 Sincerely yours,  
 Thomas Toporovich  
 Thomas Toporovich  
 Secretary  
 TT:dp  
 Enclosure  
 cc: Norman E. Gerber  
 Robert Cannon  
 COUNTY BOARD OF APPEALS  
 RECEIVED  
 JAN 21 1986

COUNTY COUNCIL OF BALTIMORE COUNTY, MARYLAND  
 Legislative Session 1985, Legislative Day No. 23  
 RESOLUTION NO. 121-85  
 Mr. James W. Gallagher, Councilman  
 By the County Council, December 2, 1985  
 A RESOLUTION to approve the Planning Board's certification that the zoning reclassification petition filed on behalf of Steven R. Griffith, et al for a 2.46 acre parcel of land on Harford Road should be exempted from the regular cyclical procedure of Section 2-58.1(c) through (h), inclusive, of the Baltimore County Code, 1978, 1984 Cumulative Supplement, as amended.  
 WHEREAS, the Planning Board, by Resolution dated November 21, 1985, has certified that early action on the Petition for Zoning Reclassification filed on behalf of Steven R. Griffith, et al, requesting a reclassification of the above described property would be in the public interest; and  
 WHEREAS, the County Council of Baltimore County, in accordance with the provisions of Section 2-58.1 (i) may approve said certification and exempt the Petition for Zoning Reclassification from the regular cycle procedures of Section 2-58.1.  
 NOW THEREFORE BE IT RESOLVED by the County Council of Baltimore County, Maryland, that the certification by the Planning Board that early action on the Zoning Reclassification Petition filed on behalf of Steven R. Griffith, et al, be and the same is hereby approved; and  
 BE IT FURTHER RESOLVED, that the Board of Appeals shall schedule a public hearing on said Petition in accordance with Section 2-58.1 (1) of the Baltimore County Code.

- BALTIMORE COUNTY CODE & AGENDA  
 LEGISLATIVE SESSION 1985, LEGISLATIVE DAY NO. 24  
 DECEMBER 16, 1985 7:30 P.M.
- RECEIVED COUNTY BOARD OF APPEALS  
 JAN 23 1986
- A. MEETING OF SILVER MOUNTAIN PLUMB & ALUMINUM
  - B. APPROVAL OF JOURNAL - Meeting of December 2, 1985
  - C. ENROLLMENT OF BILLS - 169-85, 170-85, 171-85, 172-85, 173-85, 174-85, 175-85, 176-85, 177-85, 178-85, 179-85, 181-85, 182-85 & 183-85
  - D. INTRODUCTION OF BILLS  
 BILL NO. 184-85 - Mr. Gallagher (By Reg.) - State Homeless Services Program - WILMERSBURG.  
 BILL NO. 185-85 - Mr. Gallagher (By Reg.) - State Foster Care Initiative Program - WILMERSBURG.  
 BILL NO. 186-85 - Mr. Gallagher (By Reg.) - Technical Services - Police Dept. - WILMERSBURG.  
 BILL NO. 187-85 - Mr. Gallagher (By Reg.) - Sentencing to Jail or Detention Center
  - E. CALL OF BILLS FOR FINAL READING AND VOTE  
 BILL NO. 183-85 - Mr. Gallagher (By Reg.) - Job Training Partnership Act Fund - DEER.  
 BILL NO. 184-85 - Mr. Gallagher (By Reg.) - Trade Adjustment Assistance - DEER.  
 BILL NO. 185-85 - Mr. Gallagher (By Reg.) - Commercial Vehicle Operators - DEER.
  - F. APPROVAL OF FISCAL MATTERS  
 1. Budget Appropriation Transfer 66-7 - Visitor Protection Program  
 2. Agreement - Employees Retirement System - Wells Fargo Bank  
 3. Contract of Sale - James Healy & Co. - Doncaster Village Tank Site  
 4. Addendum Agreement - Restside Occupational Training Center  
 5. Contract of Sale - Universal Security Instruments, Inc. - Painters Mill Rd.  
 6. Agreement - Alpha Corporation - Construction Claims Analysis  
 7. Agreement - Rubino & McGeekin, Chartered - Corporate Auditing Services
  - G. MISCELLANEOUS BUSINESS  
 1. Correspondence  
 2. Resolution No. 109-85 - Mr. Smith (By Reg.) - 1985 Solid Waste Management Plan  
 3. Resolution No. 115-85 - IRB - Fort York Road Assoc. Ltd. Partnership  
 4. Resolution No. 116-85 - IRB - Whalen Properties Ltd. Partnership  
 5. Resolution No. 119-85 - IRB - Calvert Hall College  
 6. Resolution No. 120-85 - IRB - B & F Partnership  
 7. Resolution No. 121-85 - Mr. Gallagher - Out of Cycle Reclass. - Griffiths - DEER  
 8. Resolution No. 122-85 - Mr. Gallagher (By Reg.) - Location of Airplane  
 9. Resolution No. 123-85 - Mr. O'Rourke - McClure/Walker Bill  
 10. Resolution No. 124-85 - Ms. Bachur - Refund of certain real property taxes

BALTIMORE COUNTY, MARYLAND  
 INTER-OFFICE CORRESPONDENCE  
 Thomas Toporovich  
 County Council Secretary - Administrator Date: November 27, 1985  
 TO: County Council Secretary - Administrator  
 FROM: Norman E. Gerber, AICP, Director  
 Office of Planning and Zoning  
 SUBJECT: Zoning Reclassification Petition: Steven R. Griffith, et al  
 Request for exemption from cyclical procedures  
 At its meeting on November 21, 1985, the Baltimore County Planning Board certified to the County Council that early action on the subject Zoning Reclassification Petition would be in the public interest. I would appreciate your scheduling this item for Council consideration as soon as possible.  
 Thank you for your cooperation in this matter.  
 Norman E. Gerber  
 Norman E. Gerber, AICP  
 Director of Planning and Zoning  
 cc: The Honorable Donald P. Hutchinson  
 County Executive  
 E. Melvin Cole  
 County Administrative Officer  
 William T. Hackett, Chairman  
 County Board of Appeals  
 Malcolm Spicer  
 County Solicitor  
 Phyllis Cole Friedman  
 People's Counsel  
 James E. Dyer  
 Zoning Supervisor  
 Robert W. Cannon, Esquire.  
 COUNTY BOARD OF APPEALS  
 JAN 26 1986

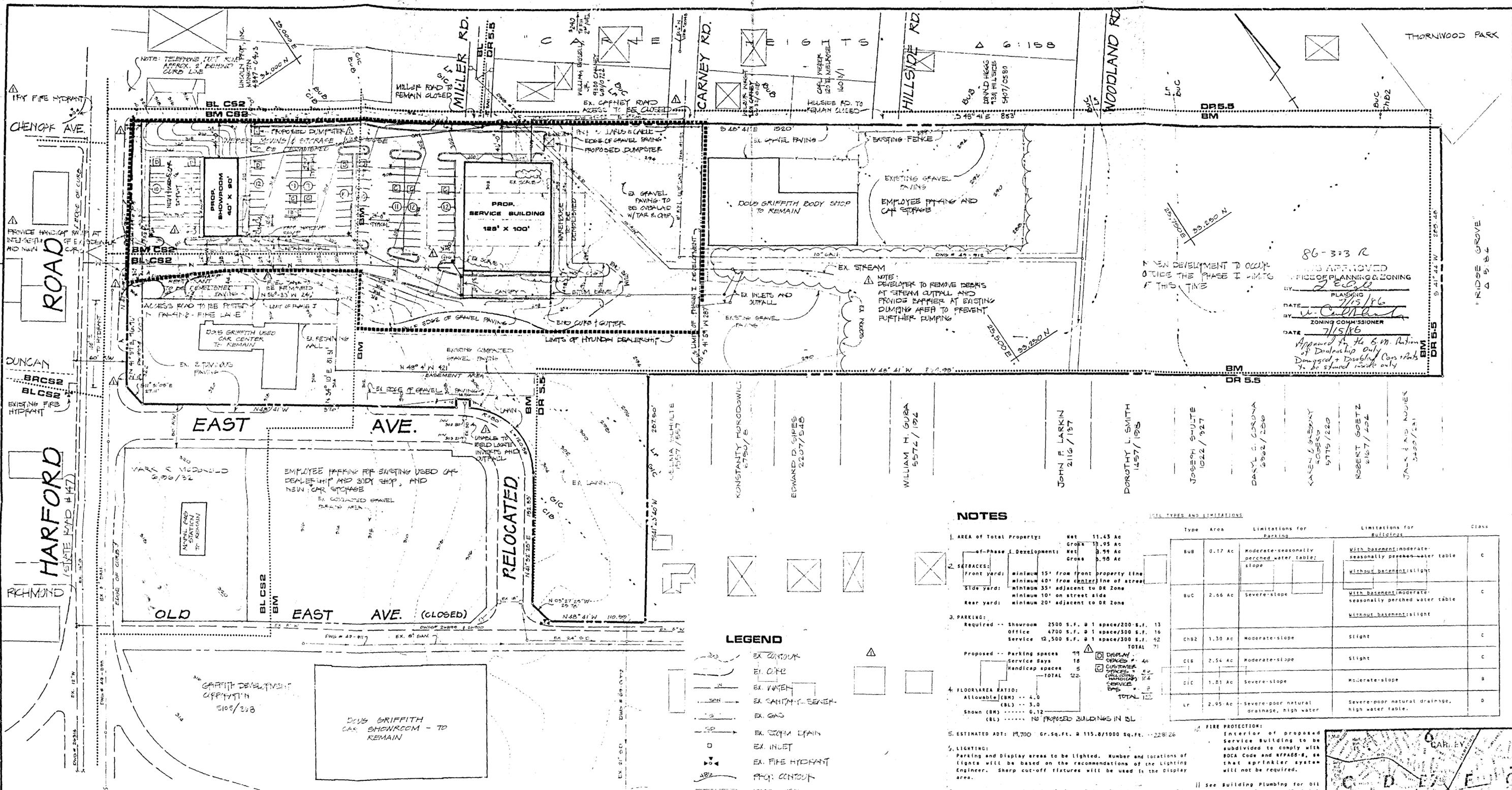
BALTIMORE COUNTY PLANNING BOARD  
 RESOLUTION  
 November 21, 1985  
 WHEREAS, Pursuant to Subsection 2-58.1(i) of the Baltimore County Code 1978 as amended, the Baltimore County Planning Board has reviewed the request by Steven R. Griffith, et al to exempt from zoning cycle the subject reclassification petition; and  
 WHEREAS, The Planning Board believes that early action is required on this petition to provide for consideration of the timely expansion and benefits therefrom; therefore, be it  
 RESOLVED, That the Baltimore County Planning Board hereby certifies to the County Council of Baltimore County that early action on the subject Zoning Reclassification Petition would be in the public interest.  
 I HEREBY CERTIFY that the above resolution was duly adopted by the Baltimore County Planning Board at its meeting in Towson, Maryland, on November 21, 1985.  
 Norman E. Gerber  
 Norman E. Gerber, AICP  
 Secretary of the Baltimore County Planning Board  
 Date

Baltimore County Office of Planning and Zoning  
 November 19, 1985  
 To: 224 CBF  
 Date: 11-25-85 Time: 3:15 PM  
**WHILE YOU WERE OUT**  
 M: Stephen  
 A: English Council  
 Phone: \_\_\_\_\_  

Area Code	Number	Extension
TELEPHONED	PLEASE CALL	
CALLED TO SEE YOU	WELL CALL AGAIN	
WANTS TO SEE YOU	URGENT	

 RETURNED YOUR CALL  
 Message: Call out of call  
English Council  
I found out today  
there has been a zoning  
petition for reclass  
of Harford Road. It  
was filed with MCHARD  
as item 116 but is listed  
as item 115.  
 Baltimore County Office of Planning and Zoning  
 November 19, 1985  
 REGULAR MEETING  
 PUBLIC HEARING  
 BALTIMORE COUNTY PLANNING BOARD  
 November 21, 1985  
 WORK SESSION  
 Non-Capital Budget and Expenses  
 County Office Building  
 to order: 2:30 p.m.  
 Mason, Chairman  
 AGENDA  
 Board Members  
 - Operational Buildings  
 - Schools  
 WORK SESSION  
 on Development Plans and Issues  
 County Office Building  
 to order: 4:00 p.m.  
 Worrall, Chairman  
 AGENDA  
 4:00 p.m. 1. Introduction of Board Members  
 4:01 p.m. 2. Request for Waivers from Certain Provisions of the Baltimore County Development Regulations  
 4:05 p.m. 3. Resolution Regarding Bird River Supporting County Executive's Initiative (draft enclosed)  
 4:10 p.m. 4. Amendments to Waiver Procedures, Baltimore County Development Regulations  
 4:20 p.m. 5. Requests to Exempt Zoning Reclassification Petitions from Zoning Cycle in the Public Interest or Emergency (attached):  
 a. Julie and Tony Mandel; N/E of Walmworth Road, approximately 550' E of York Road  
 b. Steven R. Griffith, et al.; Harford Road and East Avenue  
 REGULAR MEETING  
 BALTIMORE COUNTY PLANNING BOARD  
 Room 114, County Office Building  
 to order: 4:30 p.m.  
 Worrall, Chairman  
 AGENDA  
 4:30 1. Introduction of Board Members  
 4:35 2. Review of Agenda (over)





86-303 R  
 IS APPROVED  
 OFFICE OF PLANNING & ZONING  
 PLANNING  
 DATE 7/15/86  
 BY [Signature]  
 ZONING COMMISSIONER  
 DATE 7/15/86  
 Approved by the S.M. Action  
 of Dealership Only  
 Damaged + Disabled Cars + Parts  
 to be stored inside only

**NOTES**

Area	Net	Gross
1. AREA of Total Property:	11.43 Ac	11.95 Ac
Phase I Development:	3.91 Ac	3.90 Ac
2. SETBACKS:		
Front yard:	minimum 15' from front property line	
Side yard:	minimum 35' adjacent to DR Zone	
Rear yard:	minimum 10' on street side	
3. PARKING:		
Required	Shoorm 2500 S.F. @ 1 space/200 S.F. 13	
	Office 4700 S.F. @ 1 space/300 S.F. 16	
	Service 12,500 S.F. @ 1 space/300 S.F. 42	
	TOTAL 71	
Proposed	Parking spaces 79	
	Service Bays 18	
	Handicap spaces 5	
	TOTAL 102	
4. FLOORAREA RATIO:	Allowable (BM) 4.0	
	(BL) 3.0	
	Shown (BM) 0.12	
	(BL) NO PROPOSED BUILDINGS IN BL	

Type	Area	Limitations for Parking	Limitations for Buildings	Class
SUB	0.17 Ac	Moderate-seasonally perched water table; slope	With basement: moderate-seasonally perched water table Without basement: slight	C
SUC	2.66 Ac	Severe-slope	With basement: moderate-seasonally perched water table Without basement: slight	C
CHB2	1.30 Ac	Moderate-slope	Slight	C
CLB	2.54 Ac	Moderate-slope	Slight	C
CLC	1.81 Ac	Severe-slope	Moderate-slope	B
Lr	2.95 Ac	Severe-poor natural drainage, high water	Severe-poor natural drainage, high water table.	D

**LEGEND**

- EX. CONTOUR
- EX. CURB
- EX. WATER
- EX. SANITARY SEWER
- EX. GAS
- EX. STORM DRAIN
- EX. INLET
- EX. FIRE HYDRANT
- PROP. CONTOUR
- PROP. CURB
- PROP. WATER
- PROP. SANITARY SEWER
- PROP. STORM DRAIN
- PROP. INLET
- PROP. OUTFALL
- ZONING LINE
- LIMIT OF DEVELOPMENT
- EX. OUTFALL

**NOTES CONT'D**

16. ALL PROPERTY OWNERS AS BLC62 HAS BEEN REVIEWED BY BLM-022. COMMENTS TO JUDICATED IN CASE # R-80-303 DATED MARCH 2, 1980 AND HAS BEEN APPEALED TO THE CIRCUIT COURT.
17. THERE WILL BE NO DAMAGED OR DAMAGED AUTO IN PHASE I DEVELOPMENT.
18. A SIGNIFICANT REVISIONS PER CRO COMMENTS PERTAINING TO PHASE I.
19. THE AREA DESIGNATED FOR THE PROPOSED HYUNDAI DEALERSHIP IS TO BE USED EXCLUSIVELY BY HYUNDAI AND IS TO BE A SELF-SUFFICIENT OPERATION.
20. THE DISPLAY AREA WILL BE USED TO EXHIBIT NEW AND USED CARS.
21. THE EXISTING DUBS GRIFITH BODY SHOP IS A SELF-SUFFICIENT OPERATION AND IS NOT CONNECTED TO THE PROPOSED HYUNDAI DEALERSHIP WITH ITS OWN SERVICE FACILITIES.
22. PHASE I THE EX. DUBS GRIFITH BODY SHOP AREA SHALL COMPLY WITH THE RELEVANT ZONING REGULATIONS REGARDING SCREENING, PAVING AND PAVING WITHIN ONE YEAR OF 6-30-86.
23. THE CONNECTION PIPE BETWEEN THE PROPOSED HYUNDAI DEALERSHIP AND THE EX. USED CAR CENTER IS FOR CIRCULATION ONLY AND WILL NOT BE USED IN CONNECTION WITH THE PROPOSED HYUNDAI OPERATION UNTIL ZONING MATTERS ARE RESOLVED.

**WILLIAM F. KIRWIN INC.**  
 LANDSCAPE ARCHITECTURE/LAND PLANNING  
 28 E. Susquehanna Ave. Suite 2  
 Towson MD 21204 (301) 337-0075

**THE GRIFFITH ORGANIZATION**  
 9213 HARFORD ROAD  
 BALTIMORE, MD 21234  
 (301) 661-3400

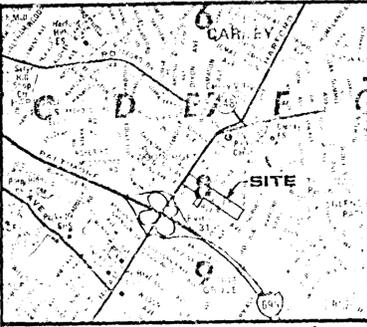
**revisions**

4-7-86
5-9-86
6-2-86
7-11-86

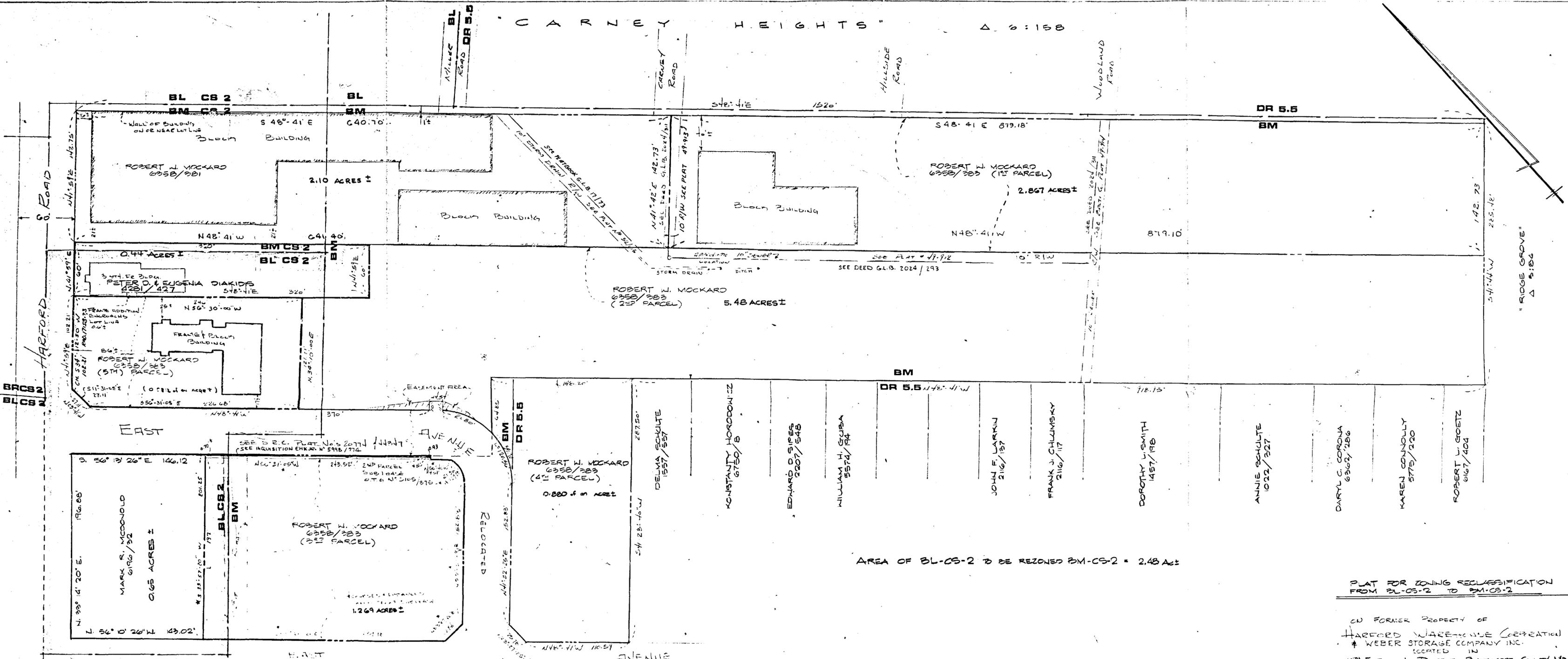
Election District - 11  
 Councilmanic District - 6  
 Census Tracts - 411.02  
 Watershed - 6  
 Subwatershed - 16  
 PUBLIC REPRESENTATIVE  
 PLANNING DIV.

**OVERALL SITE PLAN**  
 GRIFITH AUTO DEALERSHIP  
 HARFORD ROAD

project number  
 date 3-14-86  
 drawing number  
 of 2



CARLEY HEIGHTS Δ 6:158



AREA OF BL-CS-2 TO BE REZONED BM-CS-2 = 2.48 AC±

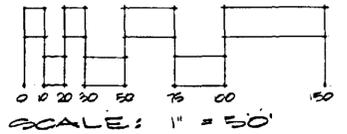
PLAT FOR ZONING RECLASSIFICATION FROM BL-CS-2 TO BM-CS-2

ON FORMER PROPERTY OF HARFORD WAREHOUSE CORPORATION & WEBER STORAGE COMPANY INC. LOCATED IN 11th ELECTION DISTRICT, BALTIMORE COUNTY, MD. 6th COUNCILMATIC DISTRICT

AS ORIGINALLY PREPARED BY GERHOLD CROSS & ETZEL REG. PROFESSIONAL LAND SURVEYORS 412 DELAWARE AVE., TOWSON, MD. REVISED 12-28-81 REVISED 12-21-81

NOTE! THE PROPERTY LINE INFORMATION SHOWN HEREON WAS PREPARED BY GERHOLD, CROSS, & ETZEL, INC. IN 12-81. SUPPLEMENTAL INFORMATION HAS BEEN ADDED FOR THE PURPOSE OF FILING A ZONING RECLASSIFICATION PETITION BY WILLIAM F. KIRWIN, INC., OCTOBER 30, 1985

DOUGLAS W. & BARBARA GRIFFITH 5015/422



**WFK** WILLIAM F. KIRWIN, INC.  
Land Planning, Landscape Architecture  
28 E. Susquehanna Avenue  
Towson, MD 21284  
Phone 301-337-0075

OFFICE COPY

IN THE MATTER OF :  
SCOTT W. MCKARD, ET AL :  
FOR RECLASSIFICATION OF :  
PROPERTY LOCATED AT :  
HARFORD ROAD AND EAST AVENUE :  
FROM BL-CS-2 TO BM-CS-2 ZONE :  
11th DISTRICT :  
MICHAEL D. ECK, PLAINTIFF :  
PEOPLE'S COUNSEL FOR BALTIMORE :  
COUNTY, PLAINTIFF :  
ZONING FILE NO. R-86-303 :  
Doc. No. 24 :  
Folio No. 102 :  
File No. 85-07-1262

CERTIFICATE OF NOTICE

Mr. Clerk:  
Pursuant to the provisions of Rule 3-2(d) of the Maryland Rules of Procedure, William T. Hackett, LeRoy B. Spurrier and William R. Evans, constituting the County Board of Appeals of Baltimore County, have given notice by mail of the filing of the appeals to the representative of every party to the proceeding before it; namely, Michael D. Eck, 9304 Carney Rd., Baltimore, Md. 21234, Plaintiff; Stanley H. Miller, Esq., Suite 200, Knickerbocker Bldg., 219 E. Lexington St., Baltimore, Md. 21202, Counsel for Plaintiff; Phyllis C. Friedman, Court House, Towson, Md. 21204, People's Counsel for Baltimore County, Plaintiff; Robert W. Cannon, Esq., Weinberg & Green, 100 S. Charles Street, Baltimore, Md. 21201, Counsel for Petitioners, Robert W. Mockard, et al; and Steven R. Griffith, Doug Griffith Chrysler Plymouth, Inc., 9213 Harford Road, Baltimore, Md. 21234, Contract Purchaser, a copy of which Notice is attached hereto and prayed that it may be made a part thereof.

*June Holman*  
June Holman  
County Board of Appeals of Baltimore  
County, Rm. 200, Court House  
Towson, Md. 21204  
494-3180

Robert W. Mockard, et al  
Case No. R-86-303  
I HEREBY CERTIFY that a copy of the foregoing Certificate of Notice has been mailed to Michael D. Eck, 9304 Carney Rd., Baltimore, Md. 21234, Plaintiff; Stanley H. Miller, Esq., Suite 200, Knickerbocker Bldg., 218 East Lexington St., Baltimore, Md. 21202, Counsel for Plaintiff; Phyllis C. Friedman, Court House, Towson, Md. 21204, People's Counsel for Baltimore County, Plaintiff; Robert W. Cannon, Esq., Weinberg & Green, 100 S. Charles St., Baltimore, Md. 21201, Counsel for Petitioners, Robert W. Mockard, et al; and Steven R. Griffith, Doug Griffith Chrysler Plymouth, Inc., 9213 Harford Rd., Baltimore, Md. 21234, Contract Purchaser, on this 4th day of April, 1986.

*June Holman*  
June Holman  
County Board of Appeals of Baltimore County

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

February 10, 1986

COUNTY OFFICE BLDG.  
111 W. Chesapeake Ave.  
Towson, Maryland 21204

Robert W. Cannon, Esquire  
Weinberg and Green  
100 South Charles Street  
Baltimore, Maryland 21201

- MEMBERS
- Bureau of Engineering
  - Department of Traffic Engineering
  - State Roads Commission
  - Bureau of Fire Prevention
  - Health Department
  - Project Planning
  - Building Department
  - Board of Education
  - Zoning Administration
  - Industrial Development

Dear Mr. Cannon:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above-referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. The Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

Very truly yours,  
*James E. Dyer*  
JAMES E. DYER  
Chairman  
Zoning Plans Advisory Committee

JED:mr

Enclosures

cc: William F. Kirwin, Inc.  
28 East Susquehanna Avenue  
Towson, Maryland 21204

Maryland Department of Transportation

State Highway Administration

William K. Helmman  
Secretary  
Hal Kassoff  
Administrator

November 15, 1985

Mr. A. Jablon  
County Office Building  
Towson, Maryland 21204

Re: Baltimore County  
Item #166  
Property Owner: Robert  
W. Mockard  
Location: NE corner  
Harford Road (Route 147)  
and East Avenue  
Existing Zoning: B.L.  
CS-2  
Proposed Zoning: B.M.  
CS-2  
Acres: 2.48  
District: 11th

ALL: James Dyer

Dear Mr. Dyer:

On review of the revised submittal of 12/28/81 and field inspection, the S.H.A. finds the proposed change in zoning from B.L. & B.M. to CS-2 generally acceptable.

Very truly yours,

*Charles Lee*  
Charles Lee, Chief  
Bureau of Engr. Access Permits  
by: George Wittman

CL-GW:es  
cc: J. Ogle

My telephone number is 301 659-1350  
Teletypewriter for Impaired Hearing or Speech  
383-7555 Baltimore Metro - 565-0451 D.C. Metro - 1-800-492-5062 Statewide Toll Free  
P.O. Box 717/707 North Calvert St., Baltimore, Maryland 21203-0717



BALTIMORE COUNTY  
DEPARTMENT OF TRAFFIC ENGINEERING  
TOWSON, MARYLAND 21204  
494-3550

STEPHEN E. COLLINS  
DIRECTOR

January 7, 1986

Mr. Arnold Jablon  
Zoning Commissioner  
County Office Building  
Towson, Maryland 21204

Item No. 166 -ZAC- Meeting of November 12, 1985  
Property Owner: Robert W. Mockard  
Location: NE corner Harford Road and East Avenue  
Existing Zoning: B.L. - CS-2  
Proposed Zoning: B.M. - CS-2

Acres: 2.48  
District: 11th

Dear Mr. Jablon:

This site is 2 different parcels of land with two different uses. On the south east corner of Harford Road and East Avenue is a gas station which is using the public side walks for parking, not maintaining the setback for parking along Harford Road. Parking on the sidewalk causes a safety problem for pedestrians and not maintaining the setbacks causes sight distance problems for setbacks existing from East Avenue.

On the north east corner of East Avenue and Harford Road is the second parcel of land, which is occupied by a car dealer. The dealer is parking in the R/W not maintaining the setback and has an entrance on East Avenue that exceeds the maximum width.

The requested change to the zoning is not expected to be a major traffic problem.

*Michael S. Flanagan*  
Michael S. Flanagan  
Traffic Engineer Associate II

MSP/bld



BALTIMORE COUNTY  
FIRE DEPARTMENT  
TOWSON, MARYLAND 21204-2566  
494-4500

PAUL H. REINCKE  
CHIEF

November 22, 1985

Mr. Arnold Jablon  
Zoning Commissioner  
Office of Planning and Zoning  
Baltimore County Office Building  
Towson, Maryland 21204

Attention: Nick Commodari, Chairman  
Zoning Plans Advisory Committee

RE: Property Owner: Robert W. Mockard  
Location: NE corner Harford Road and East Avenue  
166 Item No.: 166  
Zoning Agenda: Meeting of November 12, 1985

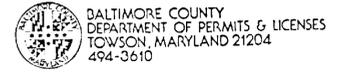
Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below marked with an "X" are applicable and required to be corrected or incorporated into the final plans for the property.

1. Fire hydrants for the referenced property are required and shall be located at intervals of \_\_\_\_\_ feet along an approved road in accordance with Baltimore County Standards as published by the Department of Public Works.
2. A second means of vehicle access is required for the site.
3. The vehicle dead end condition shown at \_\_\_\_\_ EXCEEDS the maximum allowed by the Fire Department.
4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.
5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1976 edition prior to occupancy.
6. Site plans are approved, as drawn.
7. The Fire Prevention Bureau has no comments, at this time.

REVIEWER: *John F. O'Neill* Noted and Approved: *John F. O'Neill*  
Planning Group Fire/Prevention Bureau  
Special Inspection Division

/mb



BALTIMORE COUNTY  
DEPARTMENT OF PERMITS & LICENSES  
TOWSON, MARYLAND 21204  
494-3610

TED ZALESKI, JR.  
DIRECTOR

November 21, 1985

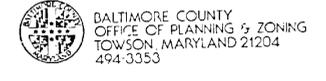
Mr. Arnold Jablon, Zoning Commissioner  
Office of Planning and Zoning  
County Office Building  
Towson, Maryland 21204

Dear Mr. Jablon:  
Comments on Item # 166 Zoning Advisory Committee Meeting are as follows:  
Property Owner: Robert W. Mockard  
Location: NE corner Harford Road and East Avenue  
District: 11th.

APPLICABLE ITEMS ARE CIRCLED:

1. All structures shall conform to the Baltimore County Building Code as adopted by Council Bill 117-85, the Maryland Code for the Handicapped and Code 19-101-1-1000 and other applicable codes and standards.
2. A building and other miscellaneous permits shall be required before the start of any construction.
3. Residential: Two sets of construction drawings are required to file a permit application. The seal of a registered or Maryland Architect or Engineer is not required on plans and technical data.
4. Commercial: Three sets of construction drawings sealed and signed by a registered or Maryland Architect or Engineer shall be required to file with a permit application. Registered seals are not acceptable.
5. All fire groups except 1st Single Family Detached Dwelling require a minimum of 1 hour fire rating for exterior walls closer than 6'0" to an interior lot line. See Fire Groups require a one hour wall of masonry or concrete on an interior lot line which requires a fire or party wall. See Table 101.02.01 Section 101.02.01 Table 101.02.01. No openings are permitted in an exterior wall within 1'0" of an interior lot line.
6. The structure does not appear to comply with Table 101.02.01 for permissible height/area. Reply to the requested variance by this office cannot be considered until the necessary data pertaining to height/area and construction type is provided. See Table 101.02.01 and have your architect/engineer contact this department.
7. The requested variance appears to conflict with Section 101.02.01 of the Baltimore County Building Code.
8. When filing for a required Change of Use/Occupancy Permit, an alteration permit application shall also be filed and such cases sets of acceptable construction plans indicating how the existing structure is to be altered in order to comply with the Code requirements for the new use. Maryland Architects or Engineers seals are usually required. The change of the structure from the existing use to the proposed use is required. See Section 101.02.01 of the Building Code.
9. The proposed project appears to be located in a Flood Plain, Flood/Overwash. Please see the attached copy of Section 101.02.01 of the Building Code as adopted by Bill 117-85. Site plans shall show the correct elevations above sea level for the lot and the finished floor levels including basement.
10. Comments: Should the change of use of any structure be proposed, a change of occupancy would be required. The building would have to be capable of complying or being made to comply to the Building Code in force at the time.
11. These abbreviated comments reflect only on the information provided by the applicant submitted to the Office of Planning and Zoning and are not intended to be construed as the final opinion of any department or division. The applicant may obtain additional information by contacting the County Office Building at 111 W. Chesapeake Avenue, Towson, Maryland 21204.

JED:mr



BALTIMORE COUNTY  
OFFICE OF PLANNING & ZONING  
TOWSON, MARYLAND 21204  
494-3353

ARNOLD JABLON  
ZONING COMMISSIONER

JEAN M. H. JUNG  
DEPUTY ZONING COMMISSIONER

February 5, 1986

Robert W. Cannon, Esquire  
Weinberg and Green  
100 South Charles Street  
Baltimore, Maryland 21201

RE: PETITION FOR ZONING RECLASSIFICATION  
Northeast Corner of Harford Road and East Avenue  
(now abandoned) - 11th Election District  
Robert W. Mockard, et al - Petitioners  
Case No. R-86-303

Dear Mr. Cannon:

This is to advise you that \$100.67 is due for advertising and posting of the above property. This fee must be paid before an Order is issued.

Please make the check payable to Baltimore County, Maryland, and remit to Ms. Margaret E. du Bois, Zoning Office, Room 113, County Office Building, Towson, Maryland 21204, before the hearing.

Sincerely,  
*Arnold Jablon*  
ARNOLD JABLON  
Zoning Commissioner

BALTIMORE COUNTY, MARYLAND  
OFFICE OF FINANCE - REVENUE DIVISION  
MISCELLANEOUS CASH RECEIPT

No. \_\_\_\_\_  
DATE \_\_\_\_\_ ACCOUNT \_\_\_\_\_  
AMOUNT \$ \_\_\_\_\_  
RECEIVED FROM \_\_\_\_\_  
FOR \_\_\_\_\_  
VALIDATION OR SIGNATURE OF CASHIER \_\_\_\_\_

Robert W. Cannon, Esquire  
Weinberg and Green  
100 South Charles Street  
Baltimore, Maryland 21201

January 10, 1986

NOTICE OF HEARING

RE: PETITION FOR ZONING RECLASSIFICATION  
Northeast Corner of Harford Road and East Avenue  
(now abandoned) - 11th Election District  
Petitioners: Robert W. Mockard, et al.  
Case No. R-86-303

TIME: 10:00 A.M.

DATE: Wednesday, February 12, 1986

PLACE: Room 218, Courthouse, Towson, Maryland

*William T. Hackett*  
William T. Hackett, Chairman  
County Board of Appeals

cc: People's Counsel

REPORTED  
IN THE COURT OF SPECIAL APPEALS

OF MARYLAND

No. 451

September Term, 1987

PEOPLE'S COUNSEL  
FOR BALTIMORE COUNTY

v.

ROBERT W. MOCKARD, et al

Wilner  
Alpert  
Bell, Rosalyn B.,  
JJ.

OPINION BY BELL, ROSALYN B., J.

Filed: December 7, 1987

ZONING CASE NO. R-86-303

RECEIVED APPEALS  
COUNTY BOARD OF APPEALS  
1987 DEC -9 A 11:00

Although with more specificity than expressed by the trial judge, we affirm the remand of the case for the Board to decide whether there was an error in the comprehensive zoning plan. In making that determination, the Board must at least "consider," as we have defined that word, the factors found in § 2-58.1(j)(2). Secondly, the Board must at least "consider" those factors and make specific findings as to whether the proposed reclassification is warranted.

JUDGMENT AFFIRMED.  
COSTS TO BE DIVIDED EQUALLY BY  
APPELLANTS/CROSS-APPELLEES  
AND  
APPELLEES/CROSS-APPELLANTS.

CASE NO. \_\_\_\_\_  
(18) Feb. 10, 1987 - Appellant's (Michael D. Eck) Consent to Judgment in Favor of Robert W. Mockard, et al fd.  
Feb. 11, 1987 Hon. William M. Nickerson. Hearing had. Disposition of hearing held Sub Curia. Opinion order to be filed.

(19) Mar 4, 1987 - Opinion and Order of Court that the decision of the County Board of Appeals be and the same is hereby Reversed as to the condition imposed on reclassification, and further Ordered that the case be REMANDED to the County Board of Appeals for findings consistent with this opinion. (WYN) Copies sent.

ROBERT W. MOCKARD, ET AL R-86-303  
Harford Rd. and East Ave. Item #156  
11th District

BI-CS-2 to BM-CS-2 2.48 acres

Oct. 30, 1985 Petition filed (OUT OF CYCLE)  
Nov. 21, 1985 Planning Board certified to County Council that case could be considered for early action.  
Dec. 2 County Council approved Planning Board's Motion certifying early action.

Robert W. Cannon, Esq. Counsel for Petitioner  
Weinberg & Green  
100 S. Charles St. (21201)  
Stephen Eisen Contract Purchaser  
Steven R. Griffith  
Doug Griffith Chrysler  
Plymouth, Inc.  
5213 Harford Rd. (21234)

Robert W. Mockard, et al Petitioners

Phyllis C. Friedman People's Counsel  
Arnold Jablon  
Jean M.H. Jung  
Janus Dyer  
Norman Gerber  
James Hoswell

MICHAEL D. ECK SLDG ORDER  
4304 CARNET RD. (21234) (Protestant)  
Stanley H. Miller, Esq. Counsel for Protestant  
Knickerbocker Bldg.,  
Suite 200  
218 E. Lexington St.  
(31202)

IN THE MATTER OF ROBERT W. MOCKARD, ET AL FOR RECLASSIFICATION OF PROPERTY LOCATED AT HARFORD RD. AND EAST AVE. FROM BL-CS-2 TO BM-CS-2 11th DISTRICT  
MICHAEL D. ECK, PLAINTIFF  
PEOPLE'S COUNSEL FOR BALTIMORE COUNTY, PLAINTIFF  
ROBERT W. MOCKARD, ET AL, PLAINTIFFS  
ZONING FILE NO. R-86-303

IN THE CIRCUIT COURT FOR BALTIMORE COUNTY AT LAW  
Doc. No. 24  
Folio No. 102  
File No. 86-CG-1262

CERTIFIED COPIES OF PROCEEDINGS BEFORE THE ZONING COMMISSIONER AND THE BOARD OF APPEALS OF BALTIMORE COUNTY

TO THE HONORABLE, THE JUDGE OF SAID COURT:

And now come William T. Hackett, LeRoy B. Spurrier and William R. Evans, constituting the County Board of Appeals of Baltimore County, and in answer to the Order for Appeal directed against them in this case, herewith return the record of proceedings had in the above entitled matter, consisting of the following certified copies or original papers on file in the office of the Zoning Department of Baltimore County:

ZONING ENTIRES FROM DOCKET OF ZONING COMMISSIONER OF BALTIMORE COUNTY

No. R-86-303  
December 12, 1985 Petition filed for reclassification from BL-CS-2 to BM-CS-2 on property located at Harford Rd. and East Ave. in the 11th District of Balto. County  
January 17, 1986 Certificate of Posting of property - filed  
January 23 Publication in newspaper - filed  
February 10 Comments of Balto. County Zoning Plans Advisory Committee - filed  
February 12 At 10:00 a.m. hearing held on petition by County Board of Appeals

Robert W. Mockard, et al Case No. R-86-303

March 6, 1986 Order of the County Board of Appeals ordering that the Petition for Reclassification from BL-CS-2 to BM-CS-2 be GRANTED for the specific purpose of expanding the existing used and new car dealership.  
April 3 Motion to Strike and for Expedited proceedings DENIED  
April 4 Order for Appeal filed in the Circuit Ct. for Baltimore County by Phyllis C. Friedman, People's Counsel for Baltimore County.  
April 4 Petition to accompany Order for Appeal filed in the Circuit Ct. for Baltimore County  
April 4 Order for Appeal filed in the Circuit Ct. for Baltimore County by Stanley H. Miller, Esq., on behalf of Michael D. Eck, Protestant.  
April 4 Petition to accompany Order for Appeal filed in the Circuit Ct. for Baltimore County  
April 4 Certificate of Notice sent to interested parties.  
April 7 Order for Appeal filed in the Circuit Ct. for Baltimore County by Robert W. Cannon, Esq., on behalf of Petitioners.  
April 9 Certificate of Notice sent to interested parties.  
April 17 Petition to accompany Order for Appeal filed in the Circuit Court for Baltimore County  
May 8 Motion to Extend Time to Transmit Record to Aug. 1, 1986.  
August 1 Transcript of testimony filed  
People's Counsel's Exhibits 1 thru 10 - Photographs of subject property and surrounding area.  
Petitioners' Exhibit No. 1 - Plat, 1/28/86, Doug Griffith property  
" " " 2 - Copy of 200 scale zoning map showing property outlined in red.  
" " " 3 - William Kirwin's qualifications as a land planner  
" " " 4 - Site plan dated 12/21/81, revised 12/28/81  
" " " 5 - Qualifications of John Wes Guckert as traffic engineer.  
" " " 6 - A thru I, series of nine photos showing subj property and surrounding area.

Robert W. Mockard, et al Case No. R-86-303  
August 1, 1986 Record of proceedings filed in the Circuit Court for Baltimore County.  
Record of proceedings pursuant to which said Order was entered and said Board acted are permanent records of the Zoning Department of Baltimore County, and your respondents respectively suggest that it would be inconvenient and inappropriate to file the same in this proceeding, but your respondents will produce any and all such rules and regulations whenever directed to do so by this Court.

Respectfully submitted,

Jane Holman  
Jane Holman  
County Board of Appeals of Baltimore County

cc: Robt. W. Cannon, Esq.  
Phyllis C. Friedman  
Stanley H. Miller, Esq.

IN THE MATTER OF ROBERT W. MOCKARD, ET AL FOR RECLASSIFICATION OF PROPERTY LOCATED AT HARFORD ROAD AND FIRST AVENUE FROM BL-CS-2 TO BM-CS-2 11th DISTRICT  
ZONING FILE NO. R-86-303

IN THE CIRCUIT COURT FOR BALTIMORE COUNTY  
FOR  
BALTIMORE COUNTY  
Docket No.: 24  
Folio No. 102  
File No.: 86-CG-1262

ANSWER TO PETITION ON APPEAL

Robert W. Mockard, Steven R. Griffith, Saied Manocheh, Mohamad Pakoaman, Mohammed Manocheh, Ezzatollah Vahedi-Faridi, Mohammad-Hossein Tehranian, Mobil Oil Corporation, and their successors, Appellants in this case (hereinafter "Appellants"), by their attorney, Robert W. Cannon, answer the Petition on Appeal entered by Michael D. Eck in the above-entitled matter, as follows:

1. Appellants deny Paragraph 1.
2. Appellants deny Paragraph 2.
3. Appellants deny Paragraph 3.
4. Because Paragraph 4 sets forth no additional grounds under which the Appeal is taken or alleged error committed by the County Board of Appeals for Baltimore County, Appellants deny Paragraph 4.

WHEREFORE, Appellants respectfully requests:

- (a) That the appeal filed by People's Counsel for Baltimore County be denied; and
- (b) That the Court enter an Order affirming the Order of the County Board of Appeals for Baltimore County to the extent that such order grants reclassification of the subject property from BL-CS-2 to BM-CS-2; and that said order be modified in part by deleting the conditioning phrase "for the specific purpose of expanding the existing used and new car dealership"; and
- (c) For such other and further relief as the nature of their cause may require.

Robert W. Cannon  
Robert W. Cannon  
100 South Charles Street  
Baltimore, Maryland 21201  
(301) 332-8816

Attorney for Appellants

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing Answer to Petition on Appeal was heretofore served on the County Board of Appeals of Baltimore County, whose action is appealed from, by leaving a copy thereof with Jane Holman, at Room 200, Court House, Towson, Maryland 21204, on this 16th day of May, 1986.

I HEREBY CERTIFY that a copy of the foregoing Answer to Petition on Appeal was mailed to Stanley H. Miller, Esquire, Knickerbocker Building, Suite 200, 218 E. Lexington Street, Baltimore, Maryland 21202, on this 16th day of May, 1986.

Robert W. Cannon

IN THE MATTER OF \* IN THE  
 ROBERT W. MOCKARD, ET AL \* CIRCUIT COURT  
 FOR RECLASSIFICATION OF \* FOR  
 PROPERTY LOCATED AT HARFORD \* BALTIMORE COUNTY  
 ROAD AND EAST AVENUE FROM \* AT LAW  
 BL-CL-2 TO BM-CS-2 \* DOCKET NO. 24, FOLIO NO. 102  
 11th DISTRICT \* FILE NO.: 86-CG-1262  
 ROBERT W. MOCKARD, ET AL \*  
 Plaintiffs \*  
 ZONING FILE NO. R-86-303 \*  
 \* \* \* \* \*

MOTION TO EXTEND TIME TO TRANSMIT RECORD

Now comes Michael D. Eck, Appellant, by his Attorney, Stanley H. Miller and respectfully represents unto YOUR HONOR:

1. An Appeal was filed on April 4, 1986 by your Movant and subsequent Appeals have been filed by the People's Counsel and by Griffith Chrysler Plymouth.
  2. That the parties are presently attempting to resolve all issues in the instant case.
  3. That the Transcript of Testimony can be ordered and made ready upon thirty days notice.
  4. That all parties have been notified and indicate that they have no objection to the extension of time for the transmittal of the record for a period of ninety days.
- WHEREFORE, it is respectfully prayed that the time within which to transmit the transcript and the record of this proceeding be extended for a period of ninety days in accordance with Rule B-7.

STANLEY H. MILLER  
 Knickerbocker Building, Suite 200  
 218 E. Lexington Street  
 Baltimore, Maryland 21202  
 752-6203  
 Attorney for Appellant

STANLEY H. MILLER  
 ATTORNEY AT LAW  
 218 E. LEXINGTON ST.  
 BALTIMORE, MD. 21202-3588  
 HOME 752-6203

COUNTY CLERK  
 ROOM 200  
 TOWSON, MD. 21286  
 R-86-303 P#031

CERTIFICATE OF SERVICE

I HEREBY CERTIFY, that a copy of the MOTION TO EXTEND TIME TO TRANSMIT RECORD was served upon the County Board of Appeals of Baltimore County, Room 200, Court House, Baltimore, Maryland 21204 on the 1st day of May, 1986 and that a copy of same was mailed to Robert W. Cannon, Esquire, 100 South Charles Street, Baltimore, Maryland 21201, Attorney for the Petitioners below and to People's Counsel, Room 223, Court House, Towson, Maryland 21204 on the 1st day of May, 1986.

STANLEY H. MILLER

STANLEY H. MILLER  
 ATTORNEY AT LAW  
 218 E. LEXINGTON ST.  
 BALTIMORE, MD. 21202-3588  
 HOME 752-6203

IN THE MATTER OF \* IN THE  
 ROBERT W. MOCKARD, ET AL \* CIRCUIT COURT  
 FOR RECLASSIFICATION OF \* FOR  
 PROPERTY LOCATED AT HARFORD \* BALTIMORE COUNTY  
 ROAD AND EAST AVENUE FROM \* AT LAW  
 BL-CL-2 TO BM-CS-2 \* DOCKET NO. 24, FOLIO NO. 102  
 11th DISTRICT \* FILE NO.: 86-CG-1262  
 ROBERT W. MOCKARD, ET AL \*  
 Plaintiffs \*  
 ZONING FILE NO. R-86-303 \*  
 \* \* \* \* \*

ORDER

It is this 8th day of May, 1986, by the Circuit Court Court for Baltimore County,

ORDERED that the time to transmit record of appeal be and it is hereby extended until the 1st day of August, 1986.

15/ Mickelson  
 JUDGE

COUNTY CLERK  
 ROOM 200  
 TOWSON, MD. 21286  
 R-86-303 P#031

STANLEY H. MILLER  
 ATTORNEY AT LAW  
 218 E. LEXINGTON ST.  
 BALTIMORE, MD. 21202-3588  
 HOME 752-6203

IN THE MATTER OF \* IN THE CIRCUIT COURT  
 ROBERT W. MOCKARD, ET AL \* FOR BALTIMORE COUNTY  
 FOR RECLASSIFICATION OF \* AT LAW  
 PROPERTY LOCATED AT \* Docket No. 24  
 HARFORD RD. & EAST AVE. \*  
 FROM BL-CS-2 TO BM-CS-2 \* File No. 102  
 11th District \* File No. 86-CG-1262  
 ROBERT W. MOCKARD, ET AL, \*  
 PLAINTIFFS \*  
 ZONING FILE NO. R-86-303 \* : : : : \*

ANSWER TO PETITION ON APPEAL

People's Counsel for Baltimore County, Protestant below and Appellant herein, answers the Petition on Appeal in the above-entitled matter, as follows:

1. Appellant denies Paragraph 1.
  2. Appellant denies Paragraph 2.
  3. Appellant admits Paragraph 3.
  4. Appellant denies Paragraph 4 insofar as it is intended to support a request that the zoning reclassification be granted unconditionally.
- WHEREFORE, People's Counsel respectfully requests:
- a. That the appeal filed by Robert W. Mockard, et al be denied; and
  - b. That the Court enter an Order denying the zoning reclassification; and
  - c. For such other and further relief as the nature of the case requires.

Phyllis Cole Friedman  
 Phyllis Cole Friedman  
 People's Counsel for Baltimore County

Peter Max Zimmerman  
 Peter Max Zimmerman  
 Deputy People's Counsel  
 Room 223, Court House  
 Towson, Maryland 21204  
 494-2166

I HEREBY CERTIFY that on this 2nd day of April, 1986, a copy of the foregoing Answer to Petition on Appeal was delivered to the Administrative Secretary, County Board of Appeals, Room 200, Court House, Towson, MD 21204; and a copy was mailed to Robert W. Cannon, Esquire, 100 S. Charles St., Baltimore, MD 21201; and Stanley H. Miller, Esquire, Knickerbocker Bldg., Suite 200, 218 E. Lexington St., Baltimore, MD 21202.

Peter Max Zimmerman  
 Peter Max Zimmerman

COUNTY CLERK  
 ROOM 200  
 TOWSON, MD. 21286  
 R-86-303 P#031

IN THE MATTER OF \* IN THE  
 ROBERT W. MOCKARD, ET AL \* CIRCUIT COURT  
 FOR RECLASSIFICATION OF \* FOR  
 PROPERTY LOCATED AT HARFORD \* BALTIMORE COUNTY  
 ROAD AND EAST AVENUE \* Docket No. 24  
 FROM BL-CS-2 TO BM-CS-2 \* Folio No. 102  
 11th DISTRICT \* File No. 86-CG-1262  
 ZONING FILE NO. R-86-303 \*  
 \* \* \* \* \*

PETITION PERFECTING APPEAL FROM ACTION OF THE COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY

TO THE HONORABLE, THE JUDGE OF SAID COURT:  
 The Petition of Robert W. Mockard, Steven R. Griffith, Saied Manocheh, Mohamad Pakdaman, Mohammad Manocheh, Ezzatollah Vahedi-Faridi, Mohammad-Hossein Tehranian, Mobil Oil Corporation, and their successors, Appellants in this case, (hereinafter "Appellants"), by their attorney, Robert W. Cannon, respectfully represents unto Your Honor:

1. That Appellants were the petitioners for the reclassification granted subject to condition in this case by the County Board of Appeals for Baltimore County (the "Board") and have a direct and immediate interest in the subject matter of the appeal herein, which interest has been adversely affected by the action of the Board, to their special harm and damage; and that Appellants are directly aggrieved by the Opinion and Order of the Board, from which they entered the subject appeal, as hereinafter set forth;
2. That pursuant to the provisions of Subtitle B of Chapter 1100 of the Maryland Rules of Procedure, Appellants

WEINBERG AND GREEN  
 BALTIMORE, MD. 21201

heretofore entered with this Court an appeal from the Order passed by the Board at its March 6, 1986 meeting; and that this Petition, setting forth the action appealed from, the error committed by the Board in taking such action, and the relief sought by Appellants, is designed to perfect such appeal in accordance with the requirements of said Maryland Rules of Procedure;

3. That by its Opinion and Order passed on March 6, 1986, a copy of which is attached to this Petition and incorporated herein by reference, the Board granted, subject to condition, Appellants' request for reclassification of the subject property from BL-CS-2 to BM-CS-2;
4. That the aforesaid March 6, 1986 Opinion and Order of the Board is illegal, invalid and erroneous to the extent that said Opinion and Order conditioned reclassification of the subject property from BL-CS-2 to BM-CS-2 "for the specific purpose of expanding the existing used and new car dealership." Opinion and Order at 4.

WHEREFORE, the Appellants respectfully pray:

- (a) That the Order of the County Board of Appeals for Baltimore County be affirmed to the extent that said Order grants reclassification of the subject property from BL-CS-2 to BM-CS-2; and, that said Order be modified in part by deleting the conditioning phrase "for the specific purpose of expanding the existing used and new car dealership"; and,

WEINBERG AND GREEN  
 BALTIMORE, MD. 21201

- (b) For such other and further relief as the nature of their cause may require.

Robert W. Cannon  
 Robert W. Cannon  
 100 South Charles Street  
 Baltimore, Maryland 21201  
 (301) 332-8816  
 Attorney for Appellants

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing Petition was heretofore served on the County Board of Appeals of Baltimore County, whose action is appealed from, by leaving a copy thereof with June Helms, at Room 200, Court House, Towson, Maryland 21204, this 1st day of April, 1986.

Christine B. Buehler

WEINBERG AND GREEN  
 BALTIMORE, MD. 21201

24/102/18609/46

PEOPLE'S COUNSEL FOR BALTIMORE COUNTY, ET AL. )  
 Appellants )  
 vs. )  
 ROBERT W. MOCKARD, ET AL. )  
 Appellees )

IN THE )  
 CIRCUIT COURT )  
 FOR )  
 BALTIMORE COUNTY )  
 CASE NO. 86CG1262 )  
 (ZONING MATTER #R-86-303)

OPINION AND ORDER

This case came before the Court on February 11, 1987 on appeal from a decision rendered by the Baltimore County Board of Appeals. Petitioners below, Robert W. Mockard, et al., requested a zoning reclassification of property located at Harford Road and East Avenue from BL-CS-2 to BM-CS-2. The Board granted the reclassification for the specific purpose of expanding the existing used and new car dealership (Griffith Chrysler-Plymouth). Orders for Appeal were filed by three parties: Petitioners; People's Counsel for Baltimore County; and Michael D. Eck, Protestant. The day prior to the hearing before this Court, Michael D. Eck filed a Consent to Judgment in Favor of Robert W. Mockard, et al., so that argument on February 11 was presented only by Petitioners and People's Counsel.

The issues raised on appeal are as follows:  
 (1) Was the evidence presented to the Board relative to mistake strong enough to render the issue fairly

debatable? [Balto. Co. Code Sec. 2-58.1(j)(1)].  
 (2) Did the Board make findings as to the factors warranting the reclassification pursuant to Sec. 2-58.1(j)(2) of the Balto. Co. Code?  
 (3) Was the condition placed on the reclassification erroneous?

The Board decided to grant Petitioner's request for a reclassification in zoning from business local (BL-CS-2) to business major (BM-CS-2). The Board added the condition "for the specific purpose of expanding the existing used and new car dealership". The Board's decision is based upon the "change or mistake" rule set forth in the Baltimore County Code:

Before any property is reclassified pursuant to this section, the board of appeals must find:

- (1) That there has occurred a substantial change in the character of the neighborhood in which the property is located since the property was last classified, or that the last classification of the property was established in error.
- Balto. Co. Code 1978, Sec. 2-58.1(j)(1) (1985 Cum. Supp.).
- I. Was the evidence presented to the Board relative to mistake strong enough to render the issue fairly debatable?
- Petitioners relied on the "mistake" portion of the "change or mistake" rule and argued to the Board that the BL (business local) zoning given to the subject property during the 1984 Comprehensive Zoning Process was an error in light of the

FILED MAR - 4 1987

In reviewing an agency action, the Court may not uphold the agency order unless it is sustainable on the agency's findings and for the reasons stated by the agency. United Steel Workers v. Bethlehem Steel, 298 Md. 665, 472 A.2d 62 (1984). In the instant case, the Board's decision is conclusory in nature and specifically omits findings relative to the factors set forth above. The circuit court may not supply factual findings which were not made by the Board. Ocean Hideaway Condominium, et al. v. Boardwalk Plaza Venture, 68 Md. App. 650 (1986). This Court will remand for findings consistent with Sec. 2-58.1(j)(2).

III. Was the condition placed on the reclassification erroneous? Both Petitioner and People's Counsel urge that conditional zoning is invalid when the rezoning is accomplished by the open-plat method employed by Petitioners. Although testimony was taken relative to Petitioner's proposed use, their petition for reclassification was not a "specific-site plan" as specified in the Baltimore County Code Sec. 2-58.1(1). In Board of County Commissioners of Washington County v. H. Manny Holtz, Inc., 65 Md. App. 574, 501 A.2d 489 (1985), the Court of Appeals stated:

While we do acknowledge that certain text writers and various states have been attracted to conditional zoning as a valuable planning tool, we are not inclined to construe the statute [Article 66B] to provide for conditional use zoning in Maryland.

Although Sec. 2-58.1(1) provides an exception to the rule enunciated in Holtz, Petitioners did not utilize that provision. It appears that the Board was attempting to mitigate any negative impact which the reclassification may have on the surrounding neighborhood by imposing the condition on the reclassification. However, conditional zoning is not a valid means by which to achieve that result. A more careful determination of the delineated factors should enable the Board to determine whether the prospective classification is, in fact, warranted.

Accordingly, it is this 3rd day of March, 1987, by the Circuit Court for Baltimore County,

ORDERED that the decision of the County Board of Appeals be and the same is hereby REVERSED as to the condition imposed on the reclassification, and further

ORDERED that the case be REMANDED to the County Board of Appeals for findings consistent with this opinion.

*William M. Nickerson*  
 WILLIAM M. NICKERSON, JUDGE

fact that it is surrounded by BM (business major) zones. They offered testimony from three expert witnesses, two of whom testified that in their opinion, a mistake had been made in the 1984 zoning. In addition, a letter from Norman E. Gerber, Director of Planning and Zoning, was accepted into evidence wherein the proposed reclassification was recommended, although no mistake in prior zoning was acknowledged. Photos and a zoning map were also presented to the Board.

This Court is aware that in a zoning appeal the Court may not substitute its judgment for that of the Board. The scope of review is limited to a determination of whether the issue presented to the Board, i.e. mistake, was fairly debatable. If so, the decision must be affirmed by the Circuit Court. Floyd v. County Council of P.G. Co., 55 Md. App. 246, 461 A.2d 76 (1983). However, in order to render the issue of "mistake" fairly debatable, substantial evidence of such mistake must have been presented to the Board.

Coppolino v. County Board of Appeals of Baltimore County, 23 Md. App. 358, 328 A.2d 55 (1974). When a Board's finding cannot be said to be "fairly debatable", it is arbitrary, capricious and a denial of due process of law. Turner v. Hammond, 270 Md. 41, 310 A.2d 543 (1973).

COPIES SENT TO:  
 Robert W. Cannon, Esquire  
 100 South Charles Street  
 Baltimore, Maryland 21201  
 Phyllis C. Friedman, Esquire  
 Room 223, Court House  
 Towson, Maryland 21204  
 Stanley H. Miller, Esquire  
 Suite 200  
 218 East Lexington Street  
 Baltimore, Maryland 21202

This Court will not disturb the Board's decision as to the issue of mistake. The evidence, including photographs, zoning map and expert testimony, presented to the Board was sufficient to create a fairly debatable issue of mistake.

II. Did the Board make findings as to the factors warranting the reclassification pursuant to Sec. 2-58.1(j)(2)?

People's Counsel argues that the written opinion of the Board does not reflect the requisite consideration of factors necessary for a reclassification, as set forth in Sec. 2-58.1(j)(2). This Court agrees. A careful reading of the Code section mandates that a reclassification may be made only upon consideration of factors . . . including, but not limited to, all of the following: Population trends; availability and adequacy of present and proposed transportation facilities, water supply facilities, sewerage, solid waste disposal facilities, schools, recreational facilities, and other public facilities, and compatibility of uses generally allowable under the prospective classification with the present and projected development or character of the surrounding area; any pertinent recommendation of the planning board or office of planning and zoning; consistency of the current and prospective classifications with the master plan, the county plan for sewerage and water supply facilities, and the capital program.

CIRCUIT COURT FOR BALTIMORE COUNTY  
 CIVIL GENERAL

DOCKET 24 PAGE 102 CASE NO. 86CG1262 CATEGORY APPEAL

ATTORNEYS	
IN THE MATTER OF ROBERT W. MOCKARD, STEVEN R. GRIFFITH, SAIED MAJROOHI, FOR RECLASSIFICATION OF MOHAMMAD-HOSSEIN TEHRANIAN, PROPERTY LOCATED AT MOBIL OIL CORPORATION, and HARFORD ROAD AND EAST AVE. Their Successors, Applicants FROM BL CS-2 to BM-CS-2 Appellants 11th DISTRICT ZONING MATTER R-86-303 ITEM NO. 166 MICHAEL D. ECK, Protestant COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY	Stanley H. Miller Knickerbocker Bldg-Ste 200 218 E. Lexington St. (02) 752-6203 Robert W. Cannon 100 South Charles Street (01) 352-8816 Peter Max Zimmerman Rm. 223, Courthouse (04) 494-2188
PEOPLE'S COUNSEL FOR BALTIMORE COUNTY	
(1) April 4, 1986 - Appellant's Order for Appeal from the Decision of the County Board of Appeals of Baltimore County and Petition fd. (2) April 4, 1986 - People's Counsel for Baltimore County Appeal from the Decision of the County Board of Appeal and Petition fd. (3) Apr. 4, 1986 - Certificate of Notice fd. (4) April 7, 1986 - Appellant's Robert W. Mockard, et al Order for Appeal from the Action of the Board of Appeals of Baltimore County fd. (5) April 9, 1986 - Certificate of Notice fd. (6) April 17, 1986 - App of Robert W. Cannon as attorney for the appellants same day Petition perfecting appeal from action of the county board of appeals of Baltimore county fd. (7) Apr. 23, 1986 Protestant's Answer to Petition on Appeal fd. (8) May 2, 1986 - Appellant's (Michael D. Eck) Motion to Extend Time to Transmit Record fd. (9) May 16, 1986 - Order of Court that the Time to transmit record of appeal be and it is hereby extended until the 1st day of August, 1986. (SEE) (10) May, 16, 1986 - Correspondence fd. (11) May, 16, 1986 - Appellant's Mockard et al Answer to Petition for Appeal fd./filed by Michael D. Eck (12) May, 16, 1986 - Appellants (Mockard) Answer to Petition for Appeal filed by People's Counsel for Balto. Co. fd. (13) Aug. 1, 1986 - Transcript of Record fd. (14) Aug. 1, 1986 - Notice of Filing of Record fd. (15) Aug. 25, 1986 - People's Counsel's Memorandum fd. (16) Aug. 29, 1986 - Appellants' Motion to Extend Time to File Memoranda and Order of Court that the time to file memoranda pursuant to MD Rule of Procedure B12 be and it is hereby extended until the 29th day of October, 1986. (SEE)	
Docket 24 PAGE 102 CASE NO. 86CG1262	

(over)

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IN THE MATTER OF  
ROBERT W. MOCKARD, ET AL  
FOR RECLASSIFICATION OF  
PROPERTY LOCATED AT  
HARFORD RD. AND EAST AVE.  
FROM BL-C3-2 TO BM-C3-2  
11th DISTRICT

BEFORE  
COUNTY BOARD OF APPEALS  
OF  
BALTIMORE COUNTY  
No. R-86-303  
Item #165

OPINION

The above captioned matter comes before this Board on a Petition for Reclassification out of cycle.

Testimony and evidence was received by this Board on Wednesday, February 12, 1986.

Petitioner's Exhibit 2, pictorially describes the existing zoning on the subject site as well as the property Petitioner now seeks to rezone.

Witnesses for the Petitioner testified, over objection by the People's Counsel, that the intended use of the subject site was for the expansion of the new and used car dealership of Griffith Chrysler-Plymouth. The basis of People's Counsel's objection was the failure of the Petitioner to submit a specific site plan.

William F. Kirwin, an expert land planner and architect, testified that he believed the County Council committed error in the 1984 zoning maps. He also stated that the requested reclassification would be consistent with the surrounding classifications, would comply with the 502.1 requirements of the Baltimore County Zoning Regulations and would provide a reasonable use for the subject property.

John W. Guckert, a Traffic Engineer, testified that in his opinion the reclassification of the subject site would not adversely affect traffic flow or result in increased congestion.

Robert W. Mockard, et al  
Case No. R-86-303

Mr. Guckert's testimony was questioned by the Protestants, however, it is apparent that the Protestants' questions concerned Mr. Guckert's description of East Avenue and Harford Road as a level A intersection rather than the resultant change in traffic flow and/or congestion resulting from a reclassification of the subject property.

Frederick P. Klaus, a real estate consultant, testified that in his opinion the County Council had committed error, that he was certain a BM classification rather than BL would have been placed on the subject property during the 1984 Comprehensive Zoning Process if it had been an issue and further that the reclassification of the subject property would comply with the 502.1 requirements of the Baltimore County Zoning Regulations.

James Hoswell, land planner for Baltimore County, testified that the present zoning of the subject property provides for a reasonable use of same. Through Mr. Hoswell, a letter dated January 27, 1986, directed to the Board of Appeals from Norman E. Gerber, Director of Planning and Zoning, was introduced as Petitioner's Exhibit 7. Mr. Hoswell stated that said letter was written with the knowledge that the requested reclassification was on an open site plan. Nevertheless, said letter recommends the requested reclassification.

It is also interesting to note that this Petition for Reclassification was exempted by the County Council from the normal cyclical procedures. This Board is persuaded that such unusual action by the County Council demonstrates the possibility that the County Council may believe error was committed during the 1984 Comprehensive Zoning Process.

Three witnesses were produced by the Protestants.

Robert W. Mockard, et al  
Case No. R-86-303

The first witness, Mr. Maurice Barsotti, stated his primary concern was traffic congestion and the attendant effect the reclassification of the subject property will have on East Avenue. Mr. Barsotti also mentioned the possibility of an increase in crime in the area if the reclassification is granted.

Mrs. Mary Eck and Robert Eck reiterated Mr. Barsotti's concern about increased traffic. They also questioned the specific uses intended by the Petitioners should the reclassification request be granted. Given the extensive number and types of uses permitted in a BM zone, Mr. and Mrs. Eck were, justifiably, we believe, concerned with the proliferation of traffic and commercialization and industry in the area. Both Mr. and Mrs. Eck acknowledged, however, that they had no particular objection to the expansion of the car dealership.

After having considered all of the evidence, this Board is persuaded that the concerns expressed by Mr. Barsotti and Mr. and Mrs. Eck are legitimate. Life and the quality of that life is precious and the reclassification of the subject site shall impact this neighborhood. However, we are also persuaded that the County Council did commit error in not classifying the subject site BM during the 1984 zoning process. The subject properties are surrounded by BM zones. Only across Harford Road, on the other side of the street, are these other BL and B3 zones. No CR zones are adjacent or contiguous to the subject property.

This Board is also cognizant of the fact that the Court of Appeals has consistently stated that a more liberal standard is employed when considering a reclassification from one commercial zone to another. At the same time, however, we cannot be oblivious to the problems anticipated by the surrounding neighborhood.

Robert W. Mockard, et al  
Case No. R-86-303

The Petitioners' property and that upon which they are contract purchasers is peculiarly laid out. Although the particular property sought to be reclassified is not contiguous to a CR zone, much of the balance of Petitioners' property is so situated. Consequently, a specific site plan, obviously, would be preferred. Unfortunately none exists. Nevertheless, this Board cannot ignore what we believe to be obvious error. We can, however, endeavor to correct that error while protecting the quality of life of the surrounding neighborhood.

This Board shall, therefore, grant the requested reclassification for the specific purpose of expanding the existing used and new car dealership.

ORDER

For the reasons set forth in the foregoing Opinion, it is this 12th day of March, 1986, by the County Board of Appeals, ORDERED that the Petition for Reclassification from BL-C3-2 to BM-C3-2 be and the same is GRANTED for the specific purpose of expanding the existing used and new car dealership.

Any appeal from this decision must be in accordance with Rules B-1 thru B-13 of the Maryland Rules of Procedure.

COUNTY BOARD OF APPEALS  
OF BALTIMORE COUNTY

William T. Hackett, Chairman  
William R. Evans  
LeRoy B. Spurrer

IN THE MATTER OF  
ROBERT W. MOCKARD, ET AL  
FOR RECLASSIFICATION OF  
PROPERTY LOCATED AT  
HARFORD RD. AND EAST AVE.  
FROM BL-C3-2 TO BM-C3-2  
11th DISTRICT

ROBERT W. MOCKARD, ET AL,  
PLAINTIFFS

COMING FILE NO. R-86-303

IN THE  
CIRCUIT COURT  
FOR  
BALTIMORE COUNTY  
AT LAW

Doc. No. 24  
Folio No. 102  
File No. 84-01-1262

CERTIFICATE OF NOTICE

M. Clerks

Pursuant to the provisions of Rule B-2(d) of the Maryland Rules of Procedure, William T. Hackett, LeRoy B. Spurrer and William R. Evans, constituting the County Board of Appeals of Baltimore County, have given notice by mail of the filing of the appeal to the representative of every party to the proceeding before it; namely, Robert W. Cannon, Esq., Weinberg & Green, 100 S. Charles Street, Baltimore, Md. 21201, Counsel for Petitioners-Plaintiffs; Michael D. Eck, 9304 Carney Rd., Baltimore, Md. 21234, Protestant; Stanley H. Miller, Esq., Knickerbocker Bldg., Suite 200, 218 E. Lexington St., Baltimore, Md. 21202, Counsel for Protestant; and Phyllis C. Friedman, Court House, Towson, Md. 21284, People's Counsel for Baltimore County, a copy of which notice is attached hereto and prayed that it may be made a part thereof.

June Holmen  
County Board of Appeals of Baltimore County  
Rm. 200, Court House, Towson, Md. 21284  
47-3150

Robert W. Mockard, et al  
Case No. R-86-303

I HEREBY CERTIFY that a copy of the foregoing Certificate of Notice has been mailed to Robert W. Cannon, Esq., Weinberg & Green, 100 S. Charles St., Baltimore, Md. 21201, Counsel for Petitioners-Plaintiffs; Michael D. Eck, 9304 Carney Rd., Baltimore, Md. 21234, Protestant; Stanley H. Miller, Esq., Knickerbocker Bldg., Suite 200, 218 E. Lexington St., Baltimore, Md. 21202, Counsel for Protestant; and Phyllis C. Friedman, Court House, Towson, Md. 21284, People's Counsel for Baltimore County, on this 12th day of April, 1986.

June Holmen  
County Board of Appeals of Baltimore County

County Board of Appeals of Baltimore County  
Room 200 Court House  
Towson, Maryland 21284  
(301) 494-3180  
April 9, 1986

Robert W. Cannon, Esq.  
Weinberg & Green  
100 S. Charles Street  
Baltimore, Md. 21201

Dear Mr. Cannon:

Re: Case No. R-86-303  
Robert W. Mockard, et al

In accordance with Rule B-7 (a) of the Rules of Procedure of the Court of Appeals of Maryland, the County Board of Appeals is required to submit the record of proceedings of the appeal which you have taken to the Circuit Court for Baltimore County in the above matter within thirty days.

The cost of the transcript of the record must be paid by you. Certified copies of any other documents necessary for the completion of the record must also be at your expense.

The cost of the transcript, plus any other documents, must be paid in time to transmit the same to the Circuit Court not later than thirty days from the date of any petition you might file in court, in accordance with Rule B-7 (a).

Enclosed is a copy of the Certificate of Notice, also invoice covering the cost of certified copies of necessary documents.

Very truly yours,  
June Holmen, Secretary

Encls.

County Board of Appeals of Baltimore County  
Room 200 Court House  
Towson, Maryland 21284  
(301) 494-3180  
April 9, 1986

Stanley H. Miller, Esq.  
Suite 200, Knickerbocker Bldg.  
218 E. Lexington Street  
Baltimore, Md. 21202

Dear Mr. Miller:

Re: Case No. R-86-303  
Robert W. Mockard, et al

Notice is hereby given, in accordance with the Rules of Procedure of the Court of Appeals of Maryland, that an appeal has been taken to the Circuit Court for Baltimore County from the decision of the County Board of Appeals rendered in the above matter.

Enclosed is a copy of the Certificate of Notice.

Very truly yours,  
June Holmen, Secretary

Encl.  
cc: Michael D. Eck  
Phyllis C. Friedman  
Arnold Jackson  
Jean Jutz  
James Dyer  
Norman Gerber  
James Hoswell

IN THE MATTER OF  
ROBERT W. MOCKARD, ET AL.  
FOR RECLASSIFICATION OF  
PROPERTY LOCATED AT  
HARFORD RD. AND EAST AVE.  
FROM BL-CS-2 TO BM-CS-2  
11TH DISTRICT

BEFORE THE  
BOARD OF APPEALS  
OF  
BALTIMORE COUNTY

ORDER FOR APPEAL OF ROBERT W. MOCKARD, ET AL.  
FROM ACTION OF THE  
BOARD OF APPEALS OF BALTIMORE COUNTY

MR. CLERK:

Please enter an appeal on behalf of Robert W. Mockard, Steven R. Griffith, Saie' Manocheh, Mohamad Pakdaman, Mohammad Manocheh, Ezzatollah Vahedi-Faridi, Mohammad-Hossein Tehranian, Mobil Oil Corporation, and their successors, Applicants, from the Order of the Board of Appeals of Baltimore County passed in the above entitled case on March 6, 1986, to the extent that said Order conditioned reclassification of the subject property from BL-CS-2 to BM-CS-2 for the specific purpose of expanding the existing used and new car dealership.

*Robert W. Cannon*

Robert W. Cannon  
Weinberg and Green  
100 South Charles Street  
Baltimore, Maryland 21201  
(301) 332-8816

Attorney for Appellants

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing Order for Appeal was heretofore served on the Board of Appeals of Baltimore County, whose action is appealed from, by leaving a copy thereof with *Robert Cannon*, at Room 200, Court House, Towson, Maryland 21204, this 4th day of April, 1986.

*Elizabeth B. Brooks*  
Elizabeth B. Brooks

COUNTY RECEIVED  
APPEALS  
MAY 11 1986

- 2 -

IN THE MATTER OF : ROBERT W. MOCKARD, ET AL.  
FOR RECLASSIFICATION OF : PROPERTY LOCATED AT  
HARFORD ROAD AND EAST AVENUE : FROM BL-CS-2 TO BM-CS-2  
11TH DISTRICT :  
MICHAEL D. ECK, PLAINTIFF : AT LAW  
PEOPLE'S COUNSEL FOR BALTIMORE : COURT HOUSE, TOWSON, MD. 21204  
COUNTY, PLAINTIFF :  
ZONING FILE NO. R-86-303 :  
IN THE : CIRCUIT COURT  
FOR :  
BALTIMORE COUNTY  
Doc. No. 24  
Folio No. 152  
File No. B6-CG-1262

CERTIFICATE OF NOTICE

Mr. Clerk:

Pursuant to the provisions of Rule B-2(d) of the Maryland Rules of Procedure, William T. Hackett, LeFoy B. Spurrier and William R. Evans, constituting the County Board of Appeals of Baltimore County, have given notice by mail of the filing of the appeals to the representative of every party to the proceeding before it; namely, Michael D. Eck, 9304 Carney Rd., Baltimore, Md. 21234, Plaintiff; Stanley H. Miller, Esq., Suite 200, Knickerbocker Bldg., 218 E. Lexington St., Baltimore, Md. 21202, Counsel for Plaintiff; Phyllis C. Friedman, Court House, Towson, Md. 21204, People's Counsel for Baltimore County, Plaintiff; Robert W. Cannon, Esq., Weinberg & Green, 100 S. Charles Street, Baltimore, Md. 21201, Counsel for Petitioners, Robert W. Mockard, et al; and Steven R. Griffith, Doug Griffith Chrysler Plymouth, Inc., 9213 Harford Road, Baltimore, Md. 21234, Contract Purchaser, a copy of which Notice is attached hereto and prayed that it may be made a part thereof.

*Jane Holman*  
Jane Holman  
County Board of Appeals of Baltimore  
County, Rt. 200, Court House  
Towson, Md. 21204  
494-2160

Robert W. Mockard, et al  
Case No. R-86-303

I HEREBY CERTIFY that a copy of the foregoing Certificate of Notice has been mailed to Michael D. Eck, 9304 Carney Rd., Baltimore, Md. 21234, Plaintiff; Stanley H. Miller, Esq., Suite 200, Knickerbocker Bldg., 218 East Lexington St., Baltimore, Md. 21202, Counsel for Plaintiff; Phyllis C. Friedman, Court House, Towson, Md. 21204, People's Counsel for Baltimore County, Plaintiff; Robert W. Cannon, Esq., Weinberg & Green, 100 S. Charles St., Baltimore, Md. 21201, Counsel for Petitioners, Robert W. Mockard, et al; and Steven R. Griffith, Doug Griffith Chrysler Plymouth, Inc., 9213 Harford Rd., Baltimore, Md. 21234, Contract Purchaser, on this 4th day of April, 1986.

*Jane Holman*  
Jane Holman  
County Board of Appeals of Baltimore County



County Board of Appeals of Baltimore County

Room 200 Court House  
Towson, Maryland 21204  
(301) 494-3150  
April 4, 1986

Stanley H. Miller, Esq.  
Knickerbocker Bldg., Suite 200  
218 E. Lexington St.  
Baltimore, Md. 21202

Re: Case No. R-86-303  
Robert W. Mockard, et al

Dear Mr. Miller:

In accordance with Rule B-7 (a) of the Rules of Procedure of the Court of Appeals of Maryland, the County Board of Appeals is required to submit the record of proceedings of the appeal which you have taken to the Circuit Court for Baltimore County in the above matter within thirty days.

The cost of the transcript of the record must be paid by you. Certified copies of any other documents necessary for the completion of the record must also be at your expense.

The cost of the transcript, plus any other documents, must be paid in time to transmit the same to the Circuit Court not later than thirty days from the date of any petition you might file in court, in accordance with Rule B-7 (a).

Enclosed is a copy of the Certificate of Notice; also invoice covering the cost of certified copies of necessary documents.

Very truly yours,

*Jane Holman*  
Jane Holman, Secretary

Encls.  
cc: Michael D. Eck



County Board of Appeals of Baltimore County

Room 200 Court House  
Towson, Maryland 21204  
(301) 494-3150  
April 4, 1986

People's Counsel for Baltimore County  
Court House  
Towson, Md. 21204

Gentlemen:

Re: Case No. R-86-303  
Robert W. Mockard, et al

In accordance with Rule B-7 (a) of the Rules of Procedure of the Court of Appeals of Maryland, the County Board of Appeals is required to submit the record of proceedings of the appeal which you have taken to the Circuit Court for Baltimore County in the above matter within thirty days.

The cost of the transcript of the record must be paid by you. Certified copies of any other documents necessary for the completion of the record must also be at your expense.

The cost of the transcript, plus any other documents, must be paid in time to transmit the same to the Circuit Court not later than thirty days from the date of any petition you might file in court, in accordance with Rule B-7 (a).

Enclosed is a copy of the Certificate of Notice; also invoice covering the cost of certified copies of necessary documents.

Very truly yours,

*Jane Holman*  
Jane Holman, Secretary

Encls.



County Board of Appeals of Baltimore County

Room 200 Court House  
Towson, Maryland 21204  
(301) 494-3150  
April 4, 1986

Robert W. Cannon, Esq.  
Weinberg & Green  
100 S. Charles St.  
Baltimore, Md. 21201

Dear Mr. Cannon:

Re: Case No. R-86-303  
Robert W. Mockard, et al

Notice is hereby given, in accordance with the Rules of Procedure of the Court of Appeals of Maryland, that an appeal has been taken to the Circuit Court for Baltimore County from the decision of the County Board of Appeals rendered in the above matter.

Enclosed is a copy of the Certificate of Notice.

Very truly yours,

*Jane Holman*  
Jane Holman, Secretary

Encl.  
cc: Steven R. Griffith  
Arnold Jablon  
Jean Jung  
James Dyer  
Norman Garter  
James Mickell

COUNTY BOARD OF APPEALS

IN THE MATTER OF : ROBERT W. MOCKARD, ET AL.  
FOR RECLASSIFICATION OF : PROPERTY LOCATED AT  
HARFORD ROAD AND EAST AVE. : FROM BL-CS-2 TO BM-CS-2  
11TH DISTRICT : ZONING MATTER R-86-303  
ITEM NO. 166 :  
CIRCUIT COURT  
FOR  
BALTIMORE COUNTY  
DOCKET NO.:

NOTICE OF APPEAL

Please note an Appeal from the decision of the County Board of Appeals of Baltimore County in the above captioned matter under date of March 6, 1986 to the Circuit Court for Baltimore County and forward all papers to the Court for Hearing.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY, that a copy of the ORDER FOR APPEAL was served upon the County Board of Appeals of Baltimore County, Room 200, Court House, Baltimore, Maryland 21204 on the 4th day of April, 1986 and that a copy of same was mailed to Robert W. Cannon, Esquire, 100 South Charles Street, Baltimore, Maryland 21201, Attorney for the Petitioners below and to People's Counsel, Room 223, Court House, Towson, Maryland 21204 on the 4th day of April, 1986.

STANLEY H. MILLER  
Knickerbocker Building, Suite 200  
218 E. Lexington Street  
Baltimore, Maryland 21202  
752-6203  
Attorney for Michael D. Eck,  
Protestant

JOLSTEIN & MILLER  
ATTORNEYS AT LAW  
218 E. LEXINGTON ST.  
BALTO., MD. 21202-3588  
TELEPHONE 752-6203

IN THE MATTER OF ROBERT W. MCKARD, ET AL FOR RECLASSIFICATION OF PROPERTY LOCATED AT HARFORD ROAD AND EAST AVE. FROM BL-CS-2 TO BM-CS-2 11th DISTRICT ZONING MATTER R-86-303 ITEM NO. 166

IN THE CIRCUIT COURT FOR BALTIMORE COUNTY AT LAW DOCKET NO. 24 FOLIO NO. 102 FILE NO. 86CG1262

PETITION FOR APPEAL

Michael D. Eck, Protestant before the County Board of Appeals and Appellant herein, having heretofore filed a Notice of Appeal from the opinion and Order of the County Board of Appeals dated March 6, 1986 in compliance with Rule B2e files this Petition setting forth the action appealed from and the grounds under which the Appeal is taken.

1. The County Board of Appeals decision and Order granting the Petition for reclassification from BL-CS-2 to BM-CS-2 was based upon no legally sufficient evidence upon which to base its conclusions.
2. That the decision of the County Board of Appeals was contrary to the evidence and that the County Board of Appeals was erroneous in its application of the law and the facts.
3. That the decision of the County Board of Appeals was illegal, arbitrary and capricious.
4. And for such other and further reasons as will be given at the hearing on this matter.

STANLEY H. MILLER  
Knickerbocker Building, Suite 200  
218 E. Lexington Street  
Baltimore, Maryland 21202  
752-6203  
Attorney for Michael D. Eck,  
Protestant

OLDSTEIN & MILLER  
ATTORNEYS AT LAW  
118 E. LEXINGTON ST.  
BALTO., MD. 21202-3588  
TELEPHONE 752-8203

CERTIFICATE OF SERVICE

I HEREBY CERTIFY, that a copy of the PETITION FOR APPEAL was served upon the County Board of Appeals of Baltimore County, Room 200, Court House, Baltimore, Maryland 21204 on the 4th day of April, 1986 and that a copy of same was mailed to Robert W. Cannon, Esquire, 100 South Charles Street, Baltimore, Maryland 21201, Attorney for the Petitioners below and to People's Counsel, Room 223, Court House, Towson, Maryland 21204 on the 4th day of April, 1986.

STANLEY H. MILLER

FILED  
COUNTY BOARD OF APPEALS  
APR 4 9 38

OLDSTEIN & MILLER  
ATTORNEYS AT LAW  
118 E. LEXINGTON ST.  
BALTO., MD. 21202-3588  
TELEPHONE 752-8203

IN THE MATTER OF THE PETITION FOR RECLASSIFICATION FROM B.L.-C.S.-2 TO B.M.-C.S.-2 ZONE NE Corner Harford Rd. & East Ave., 11th District

IN THE CIRCUIT COURT FOR BALTIMORE COUNTY AT LAW DOCKET NO. 24 FOLIO NO. 102 FILE NO. 86CG1262

NOTICE OF APPEAL

Please note an appeal from the decision of the County Board of Appeals of Baltimore County in the above-captioned matter, under date of March 6, 1986, to the Circuit Court for Baltimore County, and forward all papers in connection therewith to the Court for hearing.

Phyllis Cole Friedman  
Phyllis Cole Friedman  
People's Counsel for Baltimore County

Peter Max Zimmelman  
Deputy People's Counsel  
Room 223, Court House  
Towson, Maryland 21204  
494-2188

I HEREBY CERTIFY that on this 4th day of April, 1986, a copy of the foregoing Notice of Appeal was delivered to the Administrative Secretary, County Board of Appeals, Room 200, Court House, Towson, MD 21204; and a copy was mailed to Robert W. Cannon, Esquire, Weinberg and Green, 100 S. Charles St., Baltimore, MD 21201.

Phyllis Cole Friedman  
Phyllis Cole Friedman

FILED  
COUNTY BOARD OF APPEALS  
APR 4 9 38

IN THE MATTER OF THE PETITION FOR RECLASSIFICATION FROM B.L.-C.S.-2 TO B.M.-C.S.-2 ZONE NE Corner Harford Rd. & East Ave., 11th District

IN THE CIRCUIT COURT FOR BALTIMORE COUNTY AT LAW DOCKET NO. 24 FOLIO NO. 102 FILE NO. 86CG1262

PETITION ON APPEAL

The People's Counsel for Baltimore County, Protestant below and Appellant herein, having heretofore filed a Notice of Appeal from the Opinion and Order of the County Board of Appeals of Baltimore County, under date of March 6, 1986, in compliance with Maryland Rule B-2(e), files this Petition on Appeal setting forth the grounds upon which this Appeal is taken, viz:

1. That it was prejudicial error for the Board of Appeals to admit evidence concerning the proposed use of the subject site if the rezoning was obtained.
  2. That the County Board of Appeals had no legally sufficient evidence upon which to base its conclusion that the requested reclassification was warranted, and therefore their Order passed herein is illegal, arbitrary, and capricious.
- WHEREFORE, Appellant prays that the Order of the County Board of Appeals under date of March 6, 1986 be reversed, and that the zoning classification of the subject property remain at B.L.-C.S.-2.

Phyllis Cole Friedman  
Phyllis Cole Friedman  
People's Counsel for Baltimore County

Peter Max Zimmelman  
Deputy People's Counsel  
Room 223, Court House  
Towson, Maryland 21204  
494-2188

I HEREBY CERTIFY that on this 4th day of April, 1986, a copy of the foregoing Petition on Appeal was delivered to the Administrative Secretary, County Board of Appeals, Room 200, Court House, Towson, MD 21204; and a copy was mailed to Robert W. Cannon, Esquire, Weinberg and Green, 100 S. Charles ST., Baltimore, MD 21201.

Phyllis Cole Friedman  
Phyllis Cole Friedman

FILED  
COUNTY BOARD OF APPEALS  
APR 4 9 38

County Board of Appeals of Baltimore County  
Room 200 Court House  
Towson, Maryland 21204  
(301) 494-3180  
April 3, 1986

Robert W. Cannon, Esq.  
Weinberg & Green  
100 S. Charles St.  
Baltimore, Md. 21201

Re: Case No. R-86-303  
Robert W. Mckard, et al

Dear Mr. Cannon:

Enclosed herewith please find copy of Motion to Strike and for Expedited Proceedings which was denied by the Board this date.

Very truly yours,  
June Holmen  
June Holmen, Secretary

Encl.  
cc: Steven R. Griffith  
Michael D. Eck  
Phyllis C. Friedman  
Arnold Jablon  
Jean Jung  
James Dyer  
Norman Genter  
James Roswell

IN THE MATTER OF ROBERT W. MCKARD, ET AL FOR RECLASSIFICATION OF PROPERTY LOCATED AT HARFORD RD. AND EAST AVE. FROM BL-CS-2 TO BM-CS-2 11TH DISTRICT

BEFORE COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY No. R-86-303 Item #166

MOTION TO STRIKE AND FOR EXPEDITED PROCEEDINGS

Petitioners, Steven R. Griffith and Mobil Oil Corporation, by their attorney, Robert W. Cannon, respectfully move that the Board strike the last paragraph of the Opinion and the entire Order issued herein on March 6, 1986, to allow time for discussions among counsel for each party as to an appropriate form of the Order and the subsequent determination by the Board of an acceptable form of the Order, during which time the Board shall retain jurisdiction over this matter.

Petitioners also move for an expedited hearing on this motion on the ground that the 30 day period during which the Board has revisory power and control over the Order pursuant to Rule 10 of the Rules of Practice and Procedure of the County Board of Appeals expires on April 5, 1986.

People's Counsel has been consulted and have advised Petitioner's attorney that they have no objection to the entry of the herein requested Order.

Filed  
4/3/86

Robert W. Cannon  
Weinberg and Green  
100 South Charles Street  
Baltimore, Maryland 21201  
(301) 332-8316  
Attorney for Petitioners

ORDER

For the reasons set forth in the foregoing Motion, it is this \_\_\_ day of April, 1986, by the County Board of Appeals, ORDERED that the last paragraph of the Opinion and the entire Order granted herein on March 6, 1986 be struck, pending reconsideration of the form of said Order, during which time the Board shall retain jurisdiction over this matter.

COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY

William T. Hackert, Chairman

William R. Evans

Lesly B. Spurrier

CERTIFICATE OF SERVICE

I HEREBY CERTIFY on this 12 day of April, 1986, a copy of the foregoing Motion to Strike and For Expedited Proceedings was served on People's Counsel, by leaving a copy thereof with Shirley M. Hess, at Room 223, Court House, Towson, Maryland 21204.

Robert W. Cannon
Robert W. Cannon
Attorney for Petitioners

RECEIVED
COUNTY BOARD OF APPEALS
APR 1 3 25

BEFORE
COUNTY BOARD OF APPEALS
OF
BALTIMORE COUNTY
No. R-86-303
Item #166

OPINION

The above captioned matter comes before this Board on a Petition for Reclassification out of cycle.

Testimony and evidence was received by this Board on Wednesday, February 12, 1986.

Petitioner's Exhibit 2, pictorially describes the existing zoning on the subject site as well as the property Petitioner now seeks to rezone.

Witnesses for the Petitioner testified, over objection by the People's Counsel, that the intended use of the subject site was for the expansion of the new and used car dealership of Griffith Chrysler-Plymouth. The basis of People's Counsel's objection was the failure of the Petitioner to submit a specific site plan.

William F. Kirwin, an expert land planner and architect, testified that he believed the County Council committed error in the 1984 zoning maps. He also stated that the requested reclassification would be consistent with the surrounding classifications, would comply with the 502.1 requirements of the Baltimore County Zoning Regulations and would provide a reasonable use for the subject property.

John W. Guckert, a Traffic Engineer, testified that in his opinion the reclassification of the subject site would not adversely affect traffic flow or result in increased congestion.

Robert W. Mockard, et al
Case No. R-86-303

Mr. Guckert's testimony was questioned by the Protestants, however, it is apparent that the Protestants' questions concerned Mr. Guckert's description of East Avenue and Harford Road as a level A intersection rather than the resultant change of traffic flow and/or congestion resulting from a reclassification of the subject property.

Frederick P. Klaus, a real estate consultant, testified that in his opinion the County Council had committed error, that he was certain a BM classification rather than BL would have been placed on the subject property during the 1984 Comprehensive Zoning Process if it had been an issue and further that the reclassification of the subject property would comply with the 502.1 requirements of the Baltimore County Zoning Regulations.

James Hoswell, land planner for Baltimore County, testified that the present zoning of the subject property provides for a reasonable use of same. Through Mr. Hoswell, a letter dated January 27, 1986, directed to the Board of Appeals from Norman E. Gerber, Director of Planning and Zoning, was introduced as Petitioner's Exhibit 7. Mr. Hoswell stated that said letter was written with the knowledge that the requested reclassification was on an open site plan. Nevertheless, said letter recommends the requested reclassification.

It is also interesting to note that this Petition for Reclassification was exempted by the County Council from the normal cyclical procedures. This Board is persuaded that such unusual action by the County Council demonstrates the possibility that the County Council may believe error was committed during the 1984 Comprehensive Zoning Process.

Three witnesses were produced by the Protestants.

Robert W. Mockard, et al
Case No. R-86-303

The first witness, Mr. Maurice Barsotti, stated his primary concern was traffic congestion and the attendant effect the reclassification of the subject property will have on East Avenue. Mr. Barsotti also mentioned the possibility of an increase in crime in the area if the reclassification is granted.

Mrs. Mary Eck and Robert Eck reiterated Mr. Barsotti's concern about increased traffic. They also questioned the specific uses intended by the Petitioners should the reclassification request be granted. Given the extensive number and types of uses permitted in a BM zone, Mr. and Mrs. Eck were, justifiably, we believe, concerned with the proliferation of traffic and commercialization and industry in the area. Both Mr. and Mrs. Eck acknowledged, however, that they had no particular objection to the expansion of the car dealership.

After having considered all of the evidence, this Board is persuaded that the concerns expressed by Mr. Barsotti and Mr. and Mrs. Eck are legitimate. Life and the quality of that life is precious and the reclassification of the subject site shall impact this neighborhood. However, we are also persuaded that the County Council did commit error in not classifying the subject site BM during the 1984 zoning process. The subject properties are surrounded by BM zones. Only across Harford Road, on the other side of the street, are these other BL and BR zones. No BR zones are adjacent or contiguous to the subject property.

This Board is also cognizant of the fact that the Court of Appeals has consistently stated that a more liberal standard is employed when considering a reclassification from one commercial zone to another. At the same time, however, we cannot be oblivious to the problems anticipated by the surrounding neighborhood.

Robert W. Mockard, et al
Case No. R-86-303

The Petitioners' property and that upon which they are contract purchasers is peculiarly laid out. Although the particular property sought to be reclassified is not contiguous to a DR zone, much of the balance of Petitioners' property is so situated. Consequently, a specific site plan, obviously, would be preferred. Unfortunately none exists. Nevertheless, this Board cannot ignore what we believe to be obvious error. We can, however, endeavor to correct that error while protecting the quality of life of the surrounding neighborhood.

This Board shall, therefore, grant the requested reclassification for the specific purpose of expanding the existing used and new car dealership.

ORDER

For the reasons set forth in the foregoing Opinion, it is this 4th day of March, 1986, by the County Board of Appeals, ORDERED that the Petition for Reclassification from BL-CO-2 to BM-CO-2 be and the same is GRANTED for the specific purpose of expanding the existing used and new car dealership.

Any appeal from this decision must be in accordance with Rules B-1 thru B-13 of the Maryland Rules of Procedure.

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

William T. Hackett
William T. Hackett, Chairman

Richard A. Spiller
Richard A. Spiller



County Board of Appeals of Baltimore County

Room 200 Court House
Towson, Maryland 21204
(301) 494-3180

March 6, 1986

Robert W. Cannon, Esq.
Stephen Posen, Esq.
Weinberg & Green
100 S. Charles St.
Baltimore, Md. 21201

Case No. R-86-303
Robert W. Mockard, et al

Gentlemen:

Enclosed herewith is a copy of the Opinion and Order passed today by the County Board of Appeals in the above entitled case.

Very truly yours,

Jane Holmer
Jane Holmer, Secretary

Encl.
cc: Steven R. Griffith
Michael D. Eck
Phyllis C. Friedman
Arnold Feldman
Jean Jung
James Dyer
Norman Gerber
James Hoswell



BALTIMORE COUNTY
OFFICE OF PLANNING & ZONING
TOWSON, MARYLAND 21204
494-3353

ARNOLD JARON
ZONING COMMISSIONER
February 5, 1986

JEAN M. H. JUNG
DEPUTY ZONING COMMISSIONER

Robert W. Cannon, Esquire
Weinberg and Green
100 South Charles Street
Baltimore, Maryland 21201

RE: PETITION FOR ZONING RECLASSIFICATION
Northeast Corner of Harford Road and East Avenue
(now abandoned) - 11th Election District
Robert W. Mockard, et al - Petitioners
Case No. R-86-303

Dear Mr. Cannon:

This is to advise you that \$100.00 is due for advertising and posting of the above property. This fee must be paid before an Order is issued.

Please note the check payable to Baltimore County, Maryland, and remit to Office, Room 113, County Office Building, hearing.

Sincerely,
Arnold Jaron
Zoning Commissioner

WHILE YOU WERE OUT
To: CBA June
Date: 2-24-86
Time: 11:20 AM
M: [Signature]
Phone: [Signature]
Area Code Number Extension
TELEPHONED PLEASE CALL
CALLED TO SEE YOU WILL CALL AGAIN
WANTS TO SEE YOU URGENT
RETURNED YOUR CALL
Message: R-96-303 was paid on Feb 17 1986

Campbell 06301

Robert W. Cannon, Esquire
Weinberg and Green
100 South Charles Street
Baltimore, Maryland 21201

January 10, 1986

NOTICE OF HEARING

RE: PETITION FOR ZONING RECLASSIFICATION
Northeast Corner of Harford Road and East Avenue
(now abandoned) - 11th Election District
Petitioners: Robert W. Mockard, et al
Case No. R-86-303

TIME: 10:00 A.M.

DATE: Wednesday, February 12, 1986

PLACE: Room 218, Courthouse, Towson, Maryland

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE-REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

No. 00000
W. T. Hackett, Chairman
of Appeals

DATE: ACCOUNT:

AMOUNT \$:

RECEIVED FROM:

FOR:

VALIDATION OF CHECK BY PAYEE

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

William T. Hackett, Chairman
To County Board of Appeals
Date: August 27, 1986
Norman E. Gerber, AICP, Director
FROM: Office of Planning and Zoning
SUBJECT: Zoning Reclassification Petition No. R-86-303
Property Owners: Robert M. Mockard, et al

This 2.48-acre tract is part of a 14.5-acre property located on the northeast side of Harford Road at East Avenue. The portion of the property that is the subject of this petition is zoned B.L.-C.S.-2. On the opposite side of Harford Road are properties zoned B.L.-C.S.-2 and B.R.-C.S.-2, respectively. All of the remainder of the properties abutting the subject site and all of the remainder of the entire 14.5-acre property are zoned B.M., with a portion having a C.S.-2 District designation. The petition is proposing that the zoning classification of the subject 2.48-acre parcel of land be changed from B.L.-C.S.-2 to B.M.-C.S.-2, thereby placing the entire 14.5-acre property in the B.M. zoning classification.

This petition was exempted by action of the County Council from the normal cyclical procedures. At that time, the petitioner's representative stated that the overall property has been assembled for the purpose of razing the existing structures and constructing a new car dealership here.

It is this office's opinion that the petitioner's request should be granted. The replacement of the existing strip commercial use and of the Weber Storage and Moving operation with a single development would be expected to reduce traffic congestion at the site. Certainly, the problems experienced by the community with the Weber operation would be resolved. Further, through the future processing by the County of plans for the entire site, the opportunity exists to improve access to the entire property as well as buffering to protect the adjacent residential area; the County has been virtually powerless to address these concerns while faced with the existing uses here.

It is therefore recommended that the petitioner's request be granted. It is this office's opinion that the resultant homogeneous zoning classification for the entire property coupled with the proposed redevelopment would be in the public interest.

Norman E. Gerber
Norman E. Gerber, AICP
Director

NEG:slm
cc: Phyllis Cole Friedman
Robert W. Cannon
J.G. Roswell

WEINBERG AND GREEN

ATTORNEYS AT LAW
100 SOUTH CHARLES STREET
BALTIMORE MD 21201

BALTIMORE 301-332-8900
WASHINGTON AREA 601-5490
TELECOPIER 301-332-8883

WRITER'S DIRECT DIAL NUMBER
(301) 332-8816
January 8, 1986

BY HAND DELIVERY

Mr. James E. Dyer
Zoning Office
First Floor,
County Office Building
Towson, Maryland 21204

Re: Zoning Reclassification Petition
Mockard, et al.
Harford Road

Dear Jim:

In accordance with our discussion enclosed you will find the amended legal description we have prepared to reflect the fact that this description follows the zoning lines. Two (2) copies are enclosed so that one can be utilized in connection with the publication.

I will supply you with copies of the description which have been sealed within a short time.

Thank you for your assistance.

Sincerely yours,

Robert W. Cannon

081/amr
Enclosure

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

Thomas Toporovich
County Council Secretary - Administrator
Date: November 22, 1985
Norman E. Gerber, AICP, Director
Office of Planning and Zoning
Zoning Reclassification Petition: Steven R. Griffith, et al
SUBJECT: Request for exemption from cyclical procedures

Robert Mockard, et al
Steven 166

At its meeting on November 21, 1985, the Baltimore County Planning Board certified to the County Council that early action on the subject Zoning Reclassification Petition would be in the public interest. I would appreciate your scheduling this item for Council consideration as soon as possible.

Thank you for your cooperation in this matter.

Norman E. Gerber
Norman E. Gerber, AICP
Director of Planning and Zoning

NEG:slm

attachments

cc: The Honorable Donald P. Hutchinson
County Executive

B. Melvin Cole
County Administrative Officer

William T. Hackett, Chairman
County Board of Appeals

Malcolm Spicer
County Solicitor

Phyllis Cole Friedman
People's Counsel

James E. Dyer
Zoning Supervisor

Robert W. Cannon, Esquire.

BALTIMORE COUNTY PLANNING BOARD

RESOLUTION

November 21, 1985

WHEREAS, Pursuant to Subsection 2-58.1(1) of the Baltimore County Code 1978 as amended, the Baltimore County Planning Board has reviewed the request by Steven R. Griffith, et al to exempt from zoning cycle the subject reclassification petition; and

WHEREAS, The Planning Board believes that early action on this petition to provide for consideration of the timely expansion and benefits therefrom; therefore, be it

RESOLVED, That the Baltimore County Planning Board hereby certifies to the County Council of Baltimore County that early action on the subject Zoning Reclassification Petition would be in the public interest.

I HEREBY CERTIFY that the above resolution was duly adopted by the Baltimore County Planning Board at its meeting in Towson, Maryland, on November 21, 1985.

Norman E. Gerber
Norman E. Gerber, AICP
Secretary of the Baltimore County
Planning Board

Date

WEINBERG AND GREEN

ATTORNEYS AT LAW
100 SOUTH CHARLES STREET
BALTIMORE, MD. 21201

BALTIMORE 301-332-8900
WASHINGTON AREA 601-5490
TELECOPIER 301-332-8883

WRITER'S DIRECT DIAL NUMBER
(301) 332-8816
October 30, 1985

WEINBERG AND GREEN

Mr. Norman Berger
October 30, 1985
Page 2

resulting in additional employment and an expanded tax base for Baltimore County. In this regard, Griffith has contracted with his co-Petitioners to purchase several parcels of property adjacent to Griffith's current facility, portions of which parcels are located within a BL-CS-2 zone. In order to proceed with Griffith's plans, a reclassification of the property located within the BL zone must be granted.

The automobile manufacturer is requiring that the negotiations for the new dealership be concluded within a short period of time and is unable to defer its decision regarding the dealership for a period of time sufficient to allow Petitioners to request the zoning reclassification during the normal zoning cycle. Failure to obtain an expeditious decision with respect to the subject petition could, therefore, block the awarding of this new franchise to Griffith, resulting in the potential loss of important new business in Baltimore County. In short, this is an emergency situation. Time is of the essence in this transaction and deferring the hearing of Petitioners' request by the Board of Appeals until late next year would almost certainly destroy the prospects of adding a substantial and important new business to the County.

As noted in Petitioners' petition, this reclassification is warranted by a substantial change in the character of the neighborhood and by error in the classification of the property in the last comprehensive zoning map revision. Further, the public interest would be well served by the razing and elimination of the Weber Moving and Storage facility. The Weber facility is in a poor and unsightly condition and its operation results in a substantial amount of tractor-trailer truck traffic into and out of the storage facility. The construction of modern, safe and clean improvements in place of the Weber facility would clearly improve the health, safety and general welfare of the public. Petitioners' inability to promptly secure the new automobile franchise would almost certainly block both the vitally required improvements to the Weber site and the implementation of a prime economic opportunity for Baltimore County.

Thank you for your consideration of this request.

Very truly yours,

Robert W. Cannon

238/cwp

cc: Hon. Kenneth W. Dryden, Chairman - Planning Board
Hon. James T. Smith, Jr., Chairman - County Council
Hon. Eugene W. Gallagher

IN THE MATTER OF THE PETITION OF STEVEN R. GRIFFITH, SAIED MANOCHEH, MOHAMAD PAKDAMAN, MOHAMMED MANOCHEH, EZZATOLLAH VAHEDI-FARIDI, MOHAMMAD-HOSSEIN TEHRANIAN, ROBERT W. MOCKARD, AND MOBIL OIL CORPORATION FOR ZONING RECLASSIFICATION OF CERTAIN PARCELS OF LAND IN THE VICINITY OF HARFORD ROAD AND EAST AVENUE

BEFORE THE BALTIMORE COUNTY BOARD OF APPEALS

STATEMENT IN SUPPORT OF PETITION FOR ZONING RECLASSIFICATION

Steven R. Griffith, Saied Manocheh, Mohamad Pakdaman, Mohammad Manocheh, Ezzatollah Vahedi-Faridi, Mohammad-Hossein Tehranian, Robert W. Mockard and Mobil Oil Corporation ("Petitioners"), in support of their Petition for Zoning Reclassification filed herein, state that:

1. The Petitioners request a change in the zoning classification of certain parcels of land located at the southwest and southeast intersections of Harford Road and East Avenue, as shown on the plat attached hereto (the "Property") from a BL-CS-2 zone (business local) to a BM-CS-2 zone (business major).

2. An error in the classification of the Property in the 1984 comprehensive zoning map revision process and a substantial change in the character of the neighborhood in which the Property is located justifies reclassification of the Property from a BL to a BM zone.

166

3. As the attached plat indicates, the Property is bounded by Harford Road on one side and BM zoned land to the other three sides. The Property was obviously overlooked during the previous comprehensive zoning map revision process and was left surrounded primarily by property with a higher use classification. Extension of the surrounding BM zone into the Property would complete the desirable reclassification of the surrounding area into contiguous BM zoned land, unbroken by pockets of BL zoned parcels. The present erroneous classification of the Property prohibits uses compatible with the present and future development and characteristics of the surrounding BM zoned areas. Thus, reclassification of the zoning for the Property to a BM zone would allow for development of the Property in a planned orderly manner more closely in keeping with the dominant land use of the surrounding area.

4. The requested zoning reclassification would not affect the availability and adequacy of the present transportation facilities, water-supply facilities, waste-water facilities, or other public facilities which serve the area. Adoption of the BM zone for the Property would in no manner be detrimental to the health, safety or general welfare of the public in the surrounding area. If the requested zoning reclassification is granted, the then available uses for the Property and surrounding area would eliminate the substantial amount of tractor-trailer truck

traffic into and out of the Weber Moving and Storage facility located on an adjacent parcel. The elimination of the Weber facility, which is in a poor and unsightly condition, and the construction in its place of safe, sanitary and modern improvements would clearly be in the public interest.

For all of the foregoing reasons, the Petitioners respectfully request that their petition for zoning reclassification be granted.

*Robert W. Cannon*  
Robert W. Cannon  
Weinberg and Green  
100 South Charles Street  
Baltimore, Maryland 21201  
(301) 332-8816  
Attorney for Petitioner

PEOPLE'S COUNSEL FOR BALTIMORE COUNTY, Appellant  
v.  
ROBERT W. MOCKARD, et al., Appellees

NOTICE OF APPEAL

Please note an appeal to the Court of Special Appeals of Maryland from the decision of the Circuit Court for Baltimore County in the above-captioned matter, under date of March 3, 1987, and forward all papers in connection with said matter to the Clerk of the Court of Special Appeals of Maryland in accordance with the Maryland Rules.

*Phyllis Cole Friedman*  
Phyllis Cole Friedman  
People's Counsel for Baltimore County

*Peter Max Zimmerman*  
Peter Max Zimmerman  
Deputy People's Counsel  
Room 223, Court House  
Towson, Maryland 21204  
494-2188

I HEREBY CERTIFY that on this 2nd day of April, 1987, a copy of the foregoing Notice of Appeal was mailed to Robert W. Cannon, Esquire, Weinberg and Green, 100 S. Charles St., Baltimore, MD 21201; and Stanley H. Miller, Esquire, Knickerbocker Bldg., Suite 200, 218 E. Lexington St., Baltimore, MD 21202.

*Phyllis Cole Friedman*  
Phyllis Cole Friedman



County Board of Appeals of Baltimore County

Room 200 Court House  
Towson, Maryland 21204  
(301) 494-3180

July 21, 1987

Howard E. Friedman, Clerk  
Court of Special Appeals  
of Maryland  
Annapolis, MD 21401-1698

Re: Case No. 86-CG-1262  
(Robert W. Mockard, et al)

Dear Mr. Friedman:

We would appreciate your noting our request for a copy of the Opinion in the above-entitled case when it is filed by the Court of Special Appeals.

Thank you.

Sincerely,

*Kathleen C. Weidenhammer*  
Kathleen C. Weidenhammer  
Administrative Secretary

ROBT. W. MOCKARD, ET AL R-86-303, Item 166  
Harford Rd. and East Ave. 11th District  
BL-CS-2 to BM-CS-2

- Dec. 12, 1985 Petition filed
- Feb. 12, 1986 Hearing before the Board
- March 6 Order of the Board GRANTING the reclassification for the purpose of expanding the existing used and new car dealership.
- Apr. 4 Order for Appeal filed in the Cir. Ct. by Phyllis C. Friedman, People's Counsel
- Apr. 4 Order for Appeal filed in the Cir. Ct. by Stanley Miller, Esq. on behalf of Michael L. Eck, protestant.
- Apr. 4 Certificate of Notice sent out
- Apr. 7 Order for Appeal filed in the Cir. Ct. by Robt. W. Cannon, Esq., on behalf of Petitioners.
- Apr. 9 Certificate of Notice sent out
- May 8 Extension of Time to Transmit Record
- Aug. 1, 1986 Record of proceedings filed in the Cir. Ct. for Balto. County
- Aug. 25 PC's Memo filed in CCT.
- Aug. 29 Extension of Time to File Memoranda to 29th day of October 1986
- Oct. 29 Petitioner's Memorandum filed.
- Feb. 10, 1987 Appellant's (Michael D. Eck) Consent to Judgment in Favor of Robert W. Mockard, et al filed
- Feb. 11 Hearing had; Opinion order to be filed. (Hon. William M. Mickerson)
- March 4 REVERSED condition imposed on reclassification; REMANDED to CBA for findings consistent with Sec. 2-58.1(j)(2), Co Code, 1978 Ed., as amended
- April 2 Notice of Appeal filed by PC to Ct of Special Appeals
- December 7 Circuit Court AFFIRMED by CSA.

PETITION FOR ZONING RE-CLASSIFICATION SPECIAL EXCEPTION AND/OR VARIANCE

TO THE COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY:

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition (1) that the zoning status of the herein described property be re-classified, pursuant to the Zoning Law of Baltimore County, from an BL-CS-2 zone to an BM-CS-2 zone, for the reasons given in the attached statement; and (2) for a Special Exception under the said Zoning Law and Zoning Regulations of Baltimore County, to use the herein described property, for

and (3) for reasons given in the attached statement, a variance from the following sections of the Zoning Law and Zoning Regulations of Baltimore County:

NE 95  
4-C  
117H  
1-C  
300

ZONING DESCRIPTION

As Amended 1/7/86

Description of current BL-CS-2 area to be reclassified as BM-CS-2

Beginning for the same at a point in the centerline of Harford Road as shown on S.R.C. Plat Number 2696, said point being at the intersection of the centerline of East Avenue (now abandoned) as shown on a Plat of Leggett Heights recorded among the Land Records of Baltimore County, Maryland in Plat Book 7, Folio 157, thence running with and binding on the centerline of Harford Road, North 41 degrees 59 minutes East, 440 feet to a point on the zoning line dividing BL-CS2 property from BM-CS2 property, thence leaving said centerline of Harford Road and running the following two courses along said zoning line: South 48 degrees 41 minutes East, 300 feet to a point on the zoning line dividing BL-CS2 property from BM property, and South 41 degrees 59 minutes West along said zoning line, 200 feet to a point along the centerline of East Avenue as now relocated on the zoning line dividing BL-CS2 property from BM property, thence running with the said centerline of relocated East Avenue and said zoning line, North 48 degrees 41 minutes West, 100 feet along said zoning line, thence leaving the centerline of relocated East Avenue and running South 41 degrees 59 minutes West on the zoning line dividing BL-CS2 property from BM property, 240 feet along said zoning line to a point in the centerline of the abandoned East Avenue as shown on the aforementioned Plat of Leggett Heights, thence binding on the said centerline of abandoned East Avenue, North 48 degrees 41 minutes West along said zoning line, 200 feet to the place of beginning.

Containing 2.48 Acres of land more or less and lying in the 11th Election District and the 6th Councilmatic District of Baltimore County Maryland.

PETITION FOR RECLASSIFICATION 11th Election District

LOCATION: Northeast Corner of Harford Road and East Avenue (now abandoned)

PUBLIC HEARING: Wednesday, February 12, 1986 at 10:00 a.m. in Room 218, Courthouse, Towson, Maryland

The County Board of Appeals for Baltimore County, by authority of the Baltimore County Charter, will hold a public hearing:

Reclassify zoning status of property from a BL-CS-2 zone to a BM-CS-2 zone.

All that parcel of land in the 11th District of Baltimore County

Beginning for the same at a point in the centerline of Harford Road as shown on S.R.C. Plat Number 2696, said point being at the intersection of the centerline of East Avenue (now abandoned) as shown on a Plat of Leggett Heights recorded among the Land Records of Baltimore County, Maryland in Plat Book 7, Folio 157, thence running with and binding on the centerline of Harford Road, North 41 degrees 59 minutes East, 440 feet to a point on the zoning line dividing BL-CS2 property from BM-CS2 property, thence leaving said centerline of Harford Road and running the following two courses along said zoning line: South 48 degrees 41 minutes East, 300 feet to a point on the zoning line dividing BL-CS2 property from BM property, and South 41 degrees 59 minutes West along said zoning line, 200 feet to a point along the centerline of East Avenue as now relocated on the zoning line dividing BL-CS2 property from BM property, thence running with the said centerline of relocated East Avenue and said zoning line, North 48 degrees 41 minutes West, 100 feet along said zoning line, thence leaving the centerline of relocated East Avenue and running South 41 degrees 59 minutes West on the zoning line dividing BL-CS2 property from BM property, 240 feet along said zoning line to a point in the centerline of the abandoned East Avenue as shown on the aforementioned Plat of Leggett Heights, thence binding on the said centerline of abandoned East Avenue, North 48 degrees 41 minutes West along said zoning line, 200 feet to the place of beginning.

Containing 2.48 Acres of land more or less and lying in the 11th Election District and the 6th Councilmatic District of Baltimore County Maryland.

Property of ROBERT W. MOCKARD, ET AL as shown on the plan plan filed with the Zoning Department.

BY ORDER OF WILLIAM T. BACCHETT, CHAIRMAN COUNTY BOARD OF APPEALS BALTIMORE COUNTY.

ZONING DESCRIPTION

As Amended 1/7/86

Description of current BL-CS-2 area to be reclassified as BM-CS-2

Beginning for the same at a point in the centerline of Harford Road as shown on S.R.C. Plat Number 2696, said point being at the intersection of the centerline of East Avenue (now abandoned) as shown on a Plat of Leggett Heights recorded among the Land Records of Baltimore County, Maryland in Plat Book 7, Folio 157, thence running with and binding on the centerline of Harford Road, North 41 degrees 59 minutes East, 440 feet to a point on the zoning line dividing BL-CS2 property from BM-CS2 property, thence leaving said centerline of Harford Road and running the following two courses along said zoning line: South 48 degrees 41 minutes East, 300 feet to a point on the zoning line dividing BL-CS2 property from BM property, and South 41 degrees 59 minutes West along said zoning line, 200 feet to a point along the centerline of East Avenue as now relocated on the zoning line dividing BL-CS2 property from BM property, thence running with the said centerline of relocated East Avenue and said zoning line, North 48 degrees 41 minutes West, 100 feet along said zoning line, thence leaving the centerline of relocated East Avenue and running South 41 degrees 59 minutes West on the zoning line dividing BL-CS2 property from BM property, 240 feet along said zoning line to a point in the centerline of the abandoned East Avenue as shown on the aforementioned Plat of Leggett Heights, thence binding on the said centerline of abandoned East Avenue, North 48 degrees 41 minutes West along said zoning line, 200 feet to the place of beginning.

Containing 2.48 Acres of land more or less and lying in the 11th Election District and the 6th Councilmatic District of Baltimore County Maryland.

Property is to be posted and advertised as prescribed by The Baltimore County Code.

I, or we, agree to pay expenses of above Re-classification, Special Exception and/or Variance, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contract Purchaser: STEVEN R. GRIFFITH (Type of Print Name)  
Signature: *Steven R. Griffith*  
Address: 9113 HARFORD ROAD, BALTIMORE, MARYLAND 21234  
City and State:  
Atorney for Purchaser: ROBERT W. CANNON, ESQUIRE (Type of Print Name)  
Signature: *Robert W. Cannon*  
Address: WEINBERG AND GREEN, 100 SOUTH CHARLES STREET, BALTIMORE, MARYLAND 21201  
City and State:  
Attorney's Telephone No.: (301) 332-8816

Legal Owner(s): ROBERT W. MOCKARD (Type of Print Name)  
Signature: *Robert W. Mockard*  
Address: MOBIL OIL CORPORATION (Type of Print Name)  
By: *Robert W. Cannon*  
Signature: ROBERT W. CANNON, Attorney and Authorized Representative [See attached continuation of signature page]  
Address: \_\_\_\_\_ Phone No. \_\_\_\_\_  
City and State: \_\_\_\_\_  
Name, address and phone number of legal owner, contract purchaser or representative to be contacted: ROBERT W. CANNON, ESQUIRE  
WEINBERG AND GREEN  
100 SOUTH CHARLES STREET  
Address (301) 332-8816 Phone No. \_\_\_\_\_

**Petition For Reclassification**  
 11th Election District  
 LOCATION: Northeast Corner of Harford Road and East Avenue (see attached)  
 PUBLIC HEARING: Wednesday, Feb. 12, 1986, at 10 A.M. in Room 114, Courthouse, Towson, Maryland.  
 The County Board of Appeals for Baltimore County, by authority of the Baltimore County Charter, will hold a public hearing.  
 Sufficient zoning status of property from a BL-CB-3 zone to a BM-CB-3 zone.  
 All that parcel of land in the 11th District of Baltimore County being used for the site at a point in the center of Harford Road as shown on S.R.C. Plat Number 299, said point being at the intersection of the centerline of East Avenue (see attached) as shown on a Plat of Leggett Heights recorded among the Land Records of Baltimore County, Maryland, in Plat Book 7, Folio 187, thence running with and binding on the centerline of Harford Road, North 41 degrees 40 minutes East, 100 feet to a point on the zoning line dividing BL-CB-3 property from BM-CB-3 property, thence leaving said centerline of Harford Road and running the following two courses along said zoning line: South 41 degrees 41 minutes East, 200 feet to a point on the zoning line dividing BL-CB-3 property from BM-CB-3 property, and South 41 degrees 40 minutes West along said zoning line, 200 feet to a point along the centerline of East Avenue as now relocated on the zoning line dividing BL-CB-3 property from BM-CB-3 property, thence running with the said centerline of relocated East Avenue and said zoning line, North 41 degrees 41 minutes West, 100 feet along said zoning line, thence leaving the centerline of relocated East Avenue and running South 41 degrees 40 minutes West on the zoning line dividing BL-CB-3 property from BM-CB-3 property, 200 feet along said zoning line to a point in the centerline of the abandoned East Avenue as shown on the aforementioned Plat of Leggett Heights, thence binding on the said centerline of abandoned East Avenue, North 41 degrees 41 minutes West along said zoning line, 200 feet to the place of beginning.  
 Containing 1.48 Acres of land more or less and lying in the 11th Election District and the 4th Geographic District of Baltimore County, Maryland.  
 Being the property of Robert W. Mochard, et al, as shown on the plat plan filed with the Zoning Department.  
 By Order of  
 William T. Hackett  
 Chairman  
 County Board of Appeals  
 Baltimore County

**The Times**  
 Middle River, Md., Jan 23 1986  
 This is to certify, That the annexed  
 Petition  
 Reg L 8416  
 was inserted in The Times, a newspaper printed and published in Baltimore County, once in each of one successive weeks before the 23rd day of Jan, 1986.  
James B. ... Publisher.

**CERTIFICATE OF POSTING**  
 ZONING DEPARTMENT OF BALTIMORE COUNTY  
 Towson, Maryland  
 District: 11th  
 Parcel for: Reclassification  
 Petitioner: Robert W. Mochard, et al  
 Location of property: Northeast Corner of Harford Road and East Avenue, Baltimore County, Maryland  
 Location of Sign: On the zoning line dividing BL-CB-3 property from BM-CB-3 property, thence running with the centerline of relocated East Avenue and said zoning line, North 41 degrees 41 minutes West, 100 feet along said zoning line, thence leaving the centerline of relocated East Avenue and running South 41 degrees 40 minutes West on the zoning line dividing BL-CB-3 property from BM-CB-3 property, 200 feet along said zoning line to a point in the centerline of the abandoned East Avenue as shown on the aforementioned Plat of Leggett Heights, thence binding on the said centerline of abandoned East Avenue, North 41 degrees 41 minutes West along said zoning line, 200 feet to the place of beginning.  
 Number of Signs: 3  
 Date of Posting: 1/19/86  
1186-323

County Council of Baltimore County  
 Court House, Towson, Maryland 21201  
 [301] 491-3196  
 COUNCIL  
 December 17, 1985  
 William T. Hackett, Chairman  
 Baltimore County Board of Appeals  
 Court House  
 Towson, Maryland 21204  
 Dear Mr. Hackett:  
 This is to advise you that the County Council, at their meeting on Monday, December 16, 1985, approved the Planning Board's motion certifying that early action on the Steven R. Griffith, et al Zoning Reclassification Petition would be in the public interest.  
 Sincerely yours,  
 Thomas Toporovich  
 Thomas Toporovich  
 Secretary  
 TT:dp  
 Enclosure  
 cc: Norman E. Gerber  
 Robert Cannon  
 COUNTY BOARD OF APPEALS  
 RECEIVED  
 JAN 21 1986

COUNTY COUNCIL OF BALTIMORE COUNTY, MARYLAND  
 Legislative Session 1985, Legislative Day No. 23  
 RESOLUTION NO. 121-85  
 Mr. James W. Gallagher, Councilman  
 By the County Council, December 2, 1985  
 A RESOLUTION to approve the Planning Board's certification that the zoning reclassification petition filed on behalf of Steven R. Griffith, et al for a 2.46 acre parcel of land on Harford Road should be exempted from the regular cyclical procedure of Section 2-58.1(c) through (h), inclusive, of the Baltimore County Code, 1978, 1984 Cumulative Supplement, as amended.  
 WHEREAS, the Planning Board, by Resolution dated November 21, 1985, has certified that early action on the Petition for Zoning Reclassification filed on behalf of Steven R. Griffith, et al, requesting a reclassification of the above described property would be in the public interest; and  
 WHEREAS, the County Council of Baltimore County, in accordance with the provisions of Section 2-58.1 (i) may approve said certification and exempt the Petition for Zoning Reclassification from the regular cycle procedures of Section 2-58.1.  
 NOW THEREFORE BE IT RESOLVED by the County Council of Baltimore County, Maryland, that the certification by the Planning Board that early action on the Zoning Reclassification Petition filed on behalf of Steven R. Griffith, et al, be and the same is hereby approved; and  
 BE IT FURTHER RESOLVED, that the Board of Appeals shall schedule a public hearing on said Petition in accordance with Section 2-58.1 (1) of the Baltimore County Code.

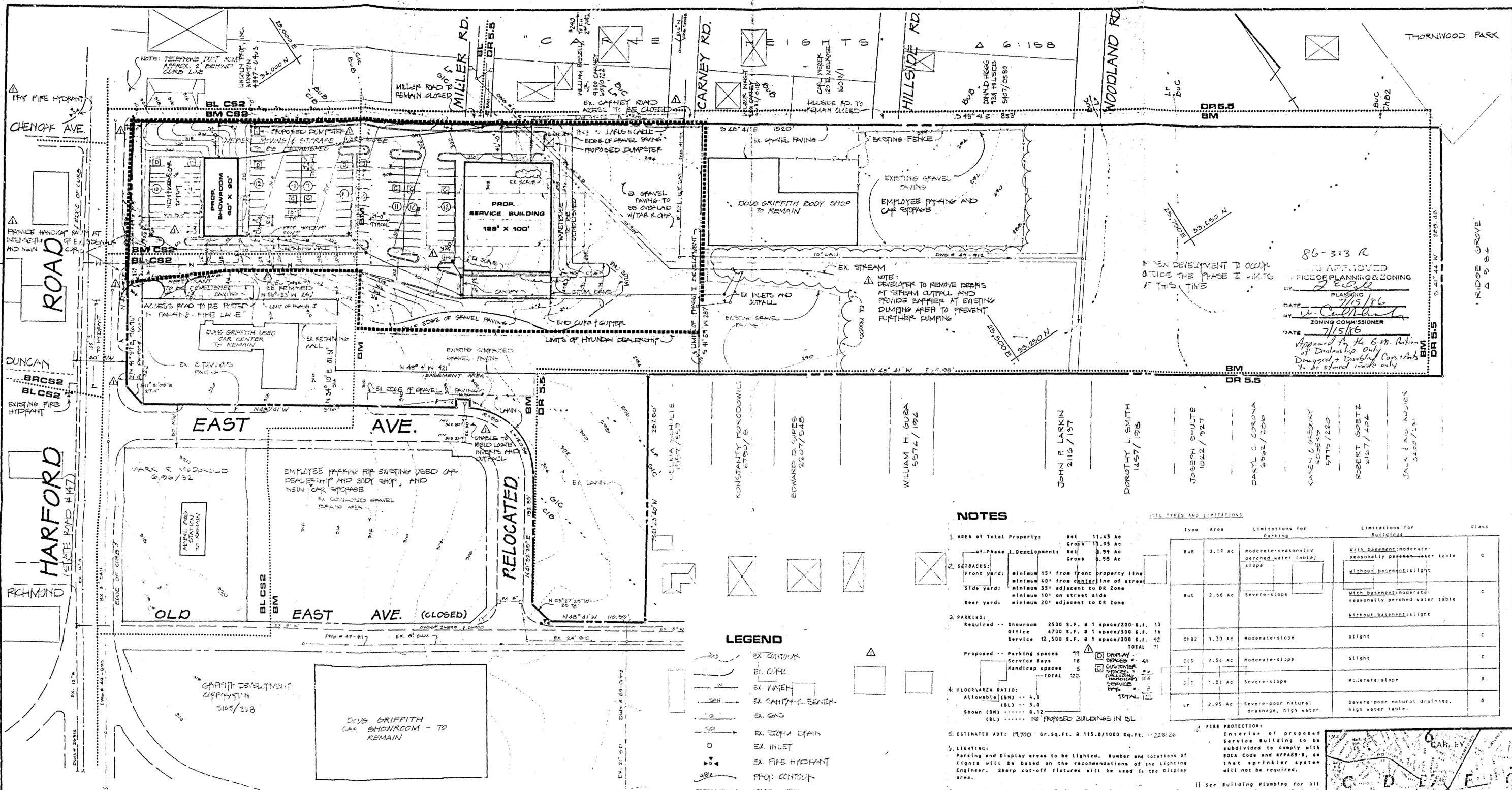
BALTIMORE COUNTY CODE & AGENDA  
 LEGISLATIVE SESSION 1985, LEGISLATIVE DAY NO. 24  
 DECEMBER 16, 1985 7:30 P.M.  
 AGENDA #9  
 A. MEETING OF SENATE COMMITTEE  
 PLANS OF AMENDMENT  
 B. APPROVAL OF JOURNAL - Meeting of December 2, 1985  
 C. ENROLLMENT OF BILLS - 169-85, 170-85, 171-85, 172-85, 173-85, 174-85, 175-85, 176-85, 177-85, 178-85, 179-85, 181-85, 182-85 & 183-85  
 D. INTRODUCTION OF BILLS  
 BILL NO. 184-85 - Mr. Gallagher (By Reg.) - State Homeless Services Program - WILKINSON.  
 BILL NO. 185-85 - Mr. Gallagher (By Reg.) - State Foster Care Initiative Program - WILKINSON.  
 BILL NO. 186-85 - Mr. Gallagher (By Reg.) - Technical Services - Police Dept. - WILKINSON.  
 BILL NO. 187-85 - Mr. Gallagher (By Reg.) - Sentencing to Jail or Detention Center  
 E. CALL OF BILLS FOR FINAL READING AND VOTE  
 BILL NO. 183-85 - Mr. Gallagher (By Reg.) - Job Training Partnership Act Fund - WILKINSON.  
 BILL NO. 184-85 - Mr. Gallagher (By Reg.) - Trade Adjustment Assistance - WILKINSON.  
 BILL NO. 185-85 - Mr. Gallagher (By Reg.) - Commercial Vehicle Operators - WILKINSON.  
 W/DRAWN  
 F. APPROVAL OF FISCAL MATTERS  
 W/DRAWN  
 1 - Budget Appropriation Transfer 66-7 - Visitor Protection Program  
 2 - Agreement - Employees Retirement System - Wells Fargo Bank  
 3 - Contract of Sale - James Healy & Co. - Doncaster Village Tank Site  
 4 - Addendum Agreement - Restside Occupational Training Center  
 5 - Contract of Sale - Universal Security Instruments, Inc. - Painters Mill Rd.  
 6 - Agreement - Alpha Corporation - Construction Claims Analysis  
 7 - Agreement - Rubino & McGeekin, Chartered - Corporate Auditing Services  
 G. MISCELLANEOUS BUSINESS  
 1. Correspondence  
 2. Resolution No. 109-85 - Mr. Smith (By Reg.) - 1985 Solid Waste Management Plan  
 3. Resolution No. 115-85 - IRB - Fort York Road Assoc. Ltd. Partnership  
 4. Resolution No. 116-85 - IRB - Whalen Properties Ltd. Partnership  
 5. Resolution No. 119-85 - IRB - Calvert Hall College  
 6. Resolution No. 120-85 - IRB - B & F Partnership  
 7. Resolution No. 121-85 - Mr. Gallagher - Out of Cycle Reclass. - Griffiths - 11th Dist.  
 8. Resolution No. 122-85 - Mr. Gallagher (By Reg.) - Location of Airplane  
 9. Resolution No. 123-85 - Mr. O'Rourke - McClure/Walker Bill  
 10. Resolution No. 124-85 - Ms. Bachur - Refund of certain real property taxes

BALTIMORE COUNTY, MARYLAND  
 INTER-OFFICE CORRESPONDENCE  
 Thomas Toporovich  
 County Council Secretary - Administrator Date: November 27, 1985  
 TO: County Council Secretary - Administrator  
 FROM: Norman E. Gerber, AICP, Director  
 Office of Planning and Zoning  
 SUBJECT: Zoning Reclassification Petition: Steven R. Griffith, et al  
 Request for exemption from cyclical procedures  
 At its meeting on November 21, 1985, the Baltimore County Planning Board certified to the County Council that early action on the subject Zoning Reclassification Petition would be in the public interest. I would appreciate your scheduling this item for Council consideration as soon as possible.  
 Thank you for your cooperation in this matter.  
 Norman E. Gerber  
 Norman E. Gerber, AICP  
 Director of Planning and Zoning  
 NEG:slm  
 attachments  
 cc: The Honorable Donald P. Hutchinson  
 County Executive  
 E. Melvin Cole  
 County Administrative Officer  
 William T. Hackett, Chairman  
 County Board of Appeals  
 Malcolm Spicer  
 County Solicitor  
 Phyllis Cole Friedman  
 People's Counsel  
 James E. Dyer  
 Zoning Supervisor  
 Robert W. Cannon, Esquire.  
 COUNTY BOARD OF APPEALS  
 RECEIVED  
 NOV 26 1985

BALTIMORE COUNTY PLANNING BOARD  
 RESOLUTION  
 November 21, 1985  
 WHEREAS, Pursuant to Subsection 2-58.1(i) of the Baltimore County Code 1978 as amended, the Baltimore County Planning Board has reviewed the request by Steven R. Griffith, et al to exempt from zoning cycle the subject reclassification petition; and  
 WHEREAS, The Planning Board believes that early action is required on this petition to provide for consideration of the timely expansion and benefits therefrom; therefore, be it  
 RESOLVED, That the Baltimore County Planning Board hereby certifies to the County Council of Baltimore County that early action on the subject Zoning Reclassification Petition would be in the public interest.  
 I HEREBY CERTIFY that the above resolution was duly adopted by the Baltimore County Planning Board at its meeting in Towson, Maryland, on November 21, 1985.  
 Norman E. Gerber  
 Norman E. Gerber, AICP  
 Secretary of the Baltimore County Planning Board  
 Date

Baltimore County Office of Planning and Zoning  
 November 19, 1985  
 To: 224 CBF  
 Date: 11-25-85 Time: 3:15 PM  
**WHILE YOU WERE OUT**  
 M: Slm  
 A: English Council  
 Phone: \_\_\_\_\_  
 Area Code Number Extension  
 TELEPHONED PLEASE CALL  
 CALLED TO SEE YOU WILL CALL AGAIN  
 WANTS TO SEE YOU URGENT  
 RETURNED YOUR CALL  
 Messages: Call out of call  
Business meeting  
I found out today  
there has been a zoning  
petition for reclass  
of Harford Road. It  
was filed with MOCARD  
on Nov 16 but is dated  
Nov 19.  
 Baltimore County Office of Planning and Zoning  
 November 19, 1985  
 REGULAR MEETING  
 PUBLIC HEARING  
 BALTIMORE COUNTY PLANNING BOARD  
 November 21, 1985  
 WORK SESSION  
 Non-Capital Budget and Expenses  
 County Office Building  
 to order: 2:30 p.m.  
 Mason, Chairman  
 AGENDA  
 Board Members  
 - Operational Buildings  
 - Schools  
 WORK SESSION  
 on Development Plans and Issues  
 County Office Building  
 to order: 4:00 p.m.  
 Worrall, Chairman  
 AGENDA  
 4:00 p.m. 1. Introduction of Board Members  
 4:01 p.m. 2. Request for Waivers from Certain Provisions of the Baltimore County Development Regulations  
 4:05 p.m. 3. Resolution Regarding Bird River Supporting County Executive's Initiative (draft enclosed)  
 4:10 p.m. 4. Amendments to Waiver Procedures, Baltimore County Development Regulations  
 4:20 p.m. 5. Requests to Exempt Zoning Reclassification Petitions from Zoning Cycle in the Public Interest or Emergency (attached)  
 a. Julie and Tony Mandel; N/S of Walmworth Road, approximately 550' E of York Road  
 b. Steven R. Griffith, et al.; Harford Road and East Avenue  
 REGULAR MEETING  
 BALTIMORE COUNTY PLANNING BOARD  
 Room 114, County Office Building  
 to order: 4:30 p.m.  
 Worrall, Chairman  
 AGENDA  
 4:30 1. Introduction of Board Members  
 4:35 2. Review of Agenda (over)





86-303 R  
 IS APPROVED  
 OFFICE OF PLANNING & ZONING  
 PLANNING  
 DATE 7/15/86  
 BY [Signature]  
 ZONING COMMISSIONER  
 DATE 7/15/86  
 Approved by the S.M. Action  
 of Dealership Only  
 Damaged & Disabled Cars & Parts  
 to be stored inside only

**NOTES**

Area	Net	Gross
1. AREA of Total Property:	11.43 Ac	11.95 Ac
Phase I Development:	3.91 Ac	3.90 Ac
2. SETBACKS:		
Front yard:	minimum 15' from front property line	
Side yard:	minimum 35' adjacent to DR Zone	
Rear yard:	minimum 10' on street side	
3. PARKING:		
Required --	Showroom 2500 S.F. @ 1 space/200 S.F. 13	
	Office 4700 S.F. @ 1 space/300 S.F. 16	
	Service 12,500 S.F. @ 1 space/300 S.F. 42	
	<b>TOTAL 71</b>	
Proposed --	Parking spaces 79	
	Service Bays 18	
	Handicap spaces 5	
	<b>TOTAL 102</b>	
4. FLOORAREA RATIO:	Allowable (BM) -- 4.0	
	(BL) -- 3.0	
	Shown (BM) ----- 0.12	
	(BL) ----- NO PROPOSED BUILDINGS IN BL	

Type	Area	Limitations for Parking	Limitations for Buildings	Class
SUB	0.17 Ac	Moderate-seasonally perched water table; slope	With basement: moderate-seasonally perched water table Without basement: slight	C
SUC	2.66 Ac	Severe-slope	With basement: moderate-seasonally perched water table Without basement: slight	C
CHB2	1.30 Ac	Moderate-slope	Slight	C
CLB	2.54 Ac	Moderate-slope	Slight	C
CLC	1.81 Ac	Severe-slope	Moderate-slope	B
Lr	2.95 Ac	Severe-poor natural drainage, high water	Severe-poor natural drainage, high water table.	D

**LEGEND**

- EX. CONTOUR
- EX. CURB
- EX. WATER
- EX. SANITARY SEWER
- EX. GAS
- EX. STORM DRAIN
- EX. INLET
- EX. FIRE HYDRANT
- PROP. CONTOUR
- PROP. CURB
- PROP. WATER
- PROP. SANITARY SEWER
- PROP. STORM DRAIN
- PROP. INLET
- PROP. OUTFALL
- ZONING LINE
- LIMIT OF DEVELOPMENT
- EX. OUTFALL

**NOTES CONT'D**

16. ALL PROPERTY OWNERS AS BLC62 HAS BEEN RELOCATED TO BLM-02A. CONTACT TO UNCONDITIONED TO BLM-02A. CASE # R-80-303 DATED MARCH 2, 1984 AND HAS BEEN APPEALED TO THE CIRCUIT COURT.
17. THERE WILL BE NO DAMAGED OR DAMAGED AUTO IN PHASE I DEVELOPMENT.
18. A SIGNIFICANT REVISIONS PER CAD COMMENTS PERTAINING TO PHASE I.
19. THE AREA DESIGNATED FOR THE PROPOSED HYUNDAI DEALERSHIP IS TO BE USED EXCLUSIVELY BY HYUNDAI AND IS TO BE A SELF-SUFFICIENT OPERATION.
20. THE DISPLAY AREA WILL BE USED TO EXHIBIT NEW AND USED CARS.
21. THE EXISTING DUBS GRIFITH BODY SHOP IS A SELF-SUFFICIENT OPERATION AND IS NOT CONNECTED TO THE PROPOSED HYUNDAI DEALERSHIP WITH ITS OWN SERVICE FACILITIES.
22. PHASE I THE EX. DUBS GRIFITH BODY SHOP AREA SHALL COMPLY WITH THE RELEVANT ZONING REGULATIONS REGARDING SCREENING FENCING AND PARKING WITHIN ONE YEAR OF 6-30-86.
23. THE CONNECTION PIPE BETWEEN THE PROPOSED HYUNDAI DEALERSHIP AND THE EX. USED CAR CENTER IS FOR CIRCULATION ONLY AND WILL NOT BE USED IN CONNECTION WITH THE PROPOSED HYUNDAI OPERATION UNTIL ZONING MATTERS ARE RESOLVED.

**WILLIAM F. KIRWIN INC.**  
 LANDSCAPE ARCHITECTURE/LAND PLANNING  
 28 E. Susquehanna Ave. Suite 2  
 Towson MD 21204 (301) 337-0075

**THE GRIFFITH ORGANIZATION**  
 9213 HARFORD ROAD  
 BALTIMORE, MD 21234  
 (301) 661-3400

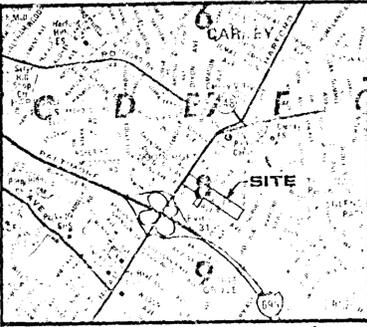
**revisions**

4-7-86
5-9-86
6-2-86
7-11-86

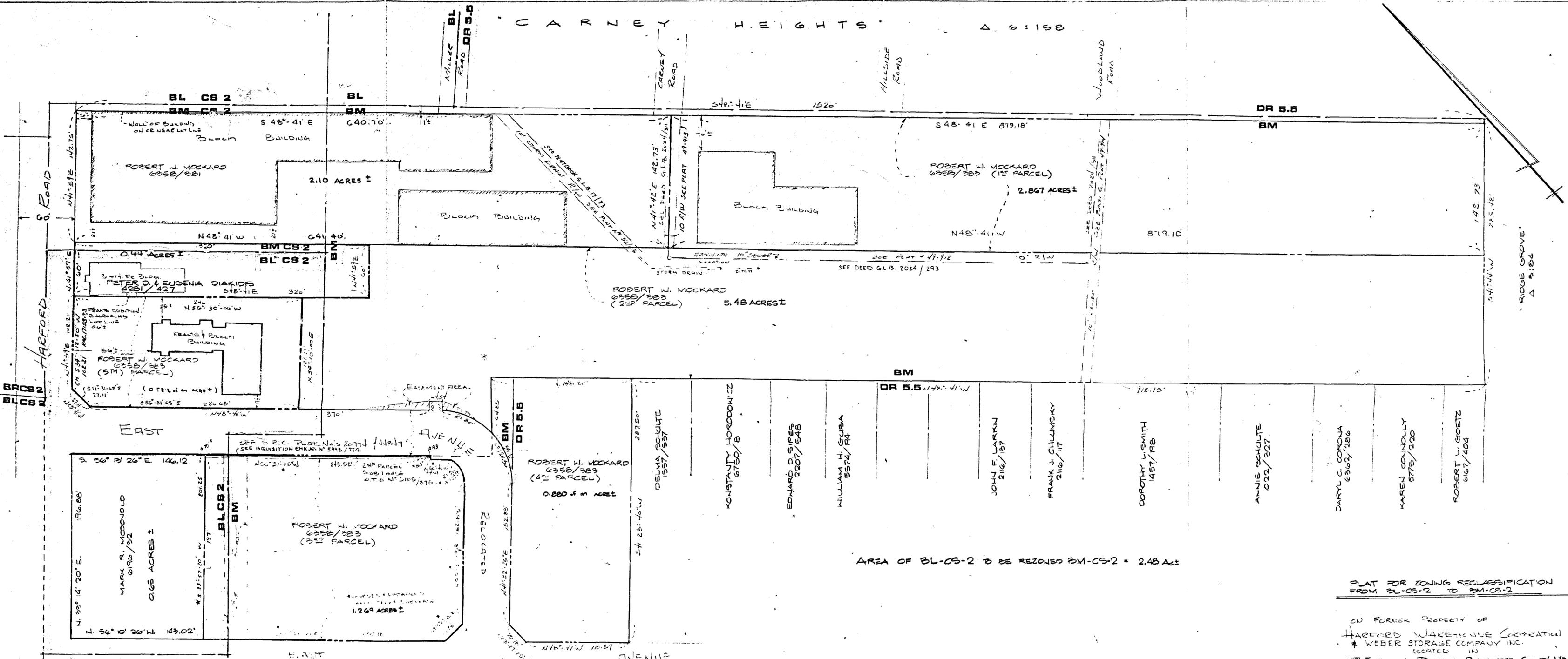
Election District - 11  
 Councilmanic District - 6  
 Census Tracts - 411.02  
 Watershed - 6  
 Subwatershed - 16  
 PUBLIC REFERENCE CASE NO. 8648  
 PLANNING DIV.

**OVERALL SITE PLAN**  
 C-736  
**GRIFFITH AUTO DEALERSHIP**  
 HARFORD ROAD

project number  
 date 3-14-86  
 drawing number  
 of 2



CARLEY HEIGHTS Δ 6:158



AREA OF BL-CS-2 TO BE REZONED BM-CS-2 = 2.48 AC±

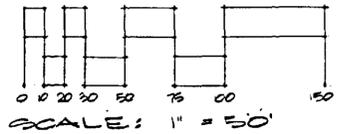
PLAT FOR ZONING RECLASSIFICATION FROM BL-CS-2 TO BM-CS-2

ON FORMER PROPERTY OF HARFORD WAREHOUSE COOPERATION & WEBER STORAGE COMPANY INC. LOCATED IN 11th ELECTION DISTRICT, BALTIMORE COUNTY, MD. 6th COUNCILMATIC DISTRICT

AS ORIGINALLY PREPARED BY GERHOLD CROSS & ETZEL REG. PROFESSIONAL LAND SURVEYORS 412 DELAWARE AVE., TOWSON, MD. REVISED 12-28-81 REVISED 12-21-81

NOTE! THE PROPERTY LINE INFORMATION SHOWN HEREON WAS PREPARED BY GERHOLD, CROSS, & ETZEL, INC. IN 12-81. SUPPLEMENTAL INFORMATION HAS BEEN ADDED FOR THE PURPOSE OF FILING A ZONING RECLASSIFICATION PETITION BY WILLIAM F. KIRWIN, INC., OCTOBER 30, 1985

DOUGLAS W. & BARBARA GRIFFITH 5015/422



**WFK** WILLIAM F. KIRWIN, INC.  
Land Planning, Landscape Architecture  
28 E. Susquehanna Avenue  
Towson, MD 21284  
Phone 301-337-0075

OFFICE COPY



Robert W. Cannon, Esquire  
Weinberg and Green  
100 South Charles Street  
Baltimore, Maryland 21201

January 10, 1986

NOTICE OF HEARING

RE: PETITION FOR ZONING RECLASSIFICATION  
Northeast Corner of Harford Road and East Avenue  
(now abandoned) - 11th Election District  
Petitioners: Robert W. Mockard, et al.  
Case No. R-86-303

TIME: 10:00 A.M.

DATE: Wednesday, February 12, 1986

PLACE: Room 218, Courthouse, Towson, Maryland

William T. Hackett  
William T. Hackett, Chairman  
County Board of Appeals

cc: People's Counsel

REPORTED  
IN THE COURT OF SPECIAL APPEALS

OF MARYLAND

No. 451

September Term, 1987

PEOPLE'S COUNSEL  
FOR BALTIMORE COUNTY

v.

ROBERT W. MOCKARD, et al

Wilner  
Alpert  
Bell, Rosalyn B.,  
JJ.

OPINION BY BELL, ROSALYN B., J.

Filed: December 7, 1987

ZONING CASE NO. R-86-303

RECEIVED APPEALS  
COUNTY BOARD OF APPEALS  
1987 DEC -9 A 11:00

Although with more specificity than expressed by the trial judge, we affirm the remand of the case for the Board to decide whether there was an error in the comprehensive zoning plan. In making that determination, the Board must at least "consider," as we have defined that word, the factors found in § 2-58.1(j)(2). Secondly, the Board must at least "consider" those factors and make specific findings as to whether the proposed reclassification is warranted.

JUDGMENT AFFIRMED.  
COSTS TO BE DIVIDED EQUALLY BY  
APPELLANTS/CROSS-APPELLEES  
AND  
APPELLEES/CROSS-APPELLANTS.

CASE NO. \_\_\_\_\_  
(18) Feb. 10, 1987 - Appellant's (Michael D. Eck) Consent to Judgment in Favor of Robert W. Mockard, et al fd.  
Feb. 11, 1987 Hon. William M. Nickerson. Hearing had. Disposition of hearing held Sub Curia. Opinion order to be filed.

(19) Mar 4, 1987 - Opinion and Order of Court that the decision of the County Board of Appeals be and the same is hereby Reversed as to the condition imposed on reclassification, and further Ordered that the case be REMANDED to the County Board of Appeals for findings consistent with this opinion. (WYN) Copies sent.

ROBERT W. MOCKARD, ET AL R-86-303  
Harford Rd. and East Ave. Item #156  
11th District

BI-CS-2 to BM-CS-2 2.48 acres

Oct. 30, 1985 Petition filed (OUT OF CYCLE)  
Nov. 21, 1985 Planning Board certified to County Council that case could be considered for early action.  
Dec. 2 County Council approved Planning Board's Motion certifying early action.

Robert W. Cannon, Esq. Counsel for Petitioner  
Weinberg & Green  
100 S. Charles St. (21201)  
Stephen Eisen Contract Purchaser  
Steven R. Griffith  
Doug Griffith Chrysler  
Plymouth, Inc.  
5213 Harford Rd. (21234)

Robert W. Mockard, et al Petitioners

Phyllis C. Friedman People's Counsel

Arnold Jablon  
Jean M.H. Jung  
Janus Dyer  
Norman Gerber  
James Hoswell

MICHAEL D. ECK SLDG ORDER  
4304 CARNET RD. (21234) (Protestant)  
Stanley H. Miller, Esq. Counsel for Protestant  
Knickerbocker Bldg.,  
Suite 200  
218 E. Lexington St.  
(31202)

IN THE MATTER OF ROBERT W. MOCKARD, ET AL FOR RECLASSIFICATION OF PROPERTY LOCATED AT HARFORD RD. AND EAST AVE. FROM BL-CS-2 TO BM-CS-2 11th DISTRICT  
MICHAEL D. ECK, PLAINTIFF  
PEOPLE'S COUNSEL FOR BALTIMORE COUNTY, PLAINTIFF  
ROBERT W. MOCKARD, ET AL, PLAINTIFFS  
ZONING FILE NO. R-86-303

IN THE CIRCUIT COURT FOR BALTIMORE COUNTY AT LAW  
Doc. No. 24  
Folio No. 102  
File No. 86-CG-1262

CERTIFIED COPIES OF PROCEEDINGS BEFORE THE ZONING COMMISSIONER AND THE BOARD OF APPEALS OF BALTIMORE COUNTY

TO THE HONORABLE, THE JUDGE OF SAID COURT:

And now come William T. Hackett, LeRoy B. Spurrier and William R. Evans, constituting the County Board of Appeals of Baltimore County, and in answer to the Order for Appeal directed against them in this case, herewith return the record of proceedings had in the above entitled matter, consisting of the following certified copies or original papers on file in the office of the Zoning Department of Baltimore County:

ZONING ENTIRES FROM DOCKET OF ZONING COMMISSIONER OF BALTIMORE COUNTY

No. R-86-303  
December 12, 1985 Petition filed for reclassification from BL-CS-2 to BM-CS-2 on property located at Harford Rd. and East Ave. in the 11th District of Balto. County  
January 17, 1986 Certificate of Posting of property - filed  
January 23 Publication in newspaper - filed  
February 10 Comments of Balto. County Zoning Plans Advisory Committee - filed  
February 12 At 10:00 a.m. hearing held on petition by County Board of Appeals

Robert W. Mockard, et al Case No. R-86-303

March 6, 1986 Order of the County Board of Appeals ordering that the Petition for Reclassification from BL-CS-2 to BM-CS-2 be GRANTED for the specific purpose of expanding the existing used and new car dealership.  
April 3 Motion to Strike and for Expedited proceedings DENIED  
April 4 Order for Appeal filed in the Circuit Ct. for Baltimore County by Phyllis C. Friedman, People's Counsel for Baltimore County.  
April 4 Petition to accompany Order for Appeal filed in the Circuit Ct. for Baltimore County  
April 4 Order for Appeal filed in the Circuit Ct. for Baltimore County by Stanley H. Miller, Esq., on behalf of Michael D. Eck, Protestant.  
April 4 Petition to accompany Order for Appeal filed in the Circuit Ct. for Baltimore County  
April 4 Certificate of Notice sent to interested parties.  
April 7 Order for Appeal filed in the Circuit Ct. for Baltimore County by Robert W. Cannon, Esq., on behalf of Petitioners.  
April 9 Certificate of Notice sent to interested parties.  
April 17 Petition to accompany Order for Appeal filed in the Circuit Court for Baltimore County  
May 8 Motion to Extend Time to Transmit Record to Aug. 1, 1986.  
August 1 Transcript of testimony filed  
People's Counsel's Exhibits 1 thru 10 - Photographs of subject property and surrounding area.  
Petitioners' Exhibit No. 1 - Plat, 1/28/86, Doug Griffith property  
" " " 2 - Copy of 200 scale zoning map showing property outlined in red.  
" " " 3 - William Kirwin's qualifications as a land planner  
" " " 4 - Site plan dated 12/21/81, revised 12/28/81  
" " " 5 - Qualifications of John Wes Guckert as traffic engineer.  
" " " 6 - A thru I, series of nine photos showing subj property and surrounding area.

Robert W. Mockard, et al Case No. R-86-303  
August 1, 1986 Record of proceedings filed in the Circuit Court for Baltimore County.  
Record of proceedings pursuant to which said Order was entered and said Board acted are permanent records of the Zoning Department of Baltimore County, and your respondents respectively suggest that it would be inconvenient and inappropriate to file the same in this proceeding, but your respondents will produce any and all such rules and regulations whenever directed to do so by this Court.

Respectfully submitted,

Jane Holman  
Jane Holman  
County Board of Appeals of Baltimore County

cc: Robt. W. Cannon, Esq.  
Phyllis C. Friedman  
Stanley H. Miller, Esq.

IN THE MATTER OF ROBERT W. MOCKARD, ET AL FOR RECLASSIFICATION OF PROPERTY LOCATED AT HARFORD ROAD AND FIRST AVENUE FROM BL-CS-2 TO BM-CS-2 11th DISTRICT  
ZONING FILE NO. R-86-303

IN THE CIRCUIT COURT FOR BALTIMORE COUNTY AT LAW  
Docket No.: 24  
Folio No. 102  
File No.: 86-CG-1262

ANSWER TO PETITION ON APPEAL

Robert W. Mockard, Steven R. Griffith, Saied Manocheh, Mohamad Pakoaman, Mohammed Manocheh, Ezzatollah Vahedi-Faridi, Mohammad-Hossein Tehranian, Mobil Oil Corporation, and their successors, Appellants in this case (hereinafter "Appellants"), by their attorney, Robert W. Cannon, answer the Petition on Appeal entered by Michael D. Eck in the above-entitled matter, as follows:

1. Appellants deny Paragraph 1.
2. Appellants deny Paragraph 2.
3. Appellants deny Paragraph 3.
4. Because Paragraph 4 sets forth no additional grounds under which the Appeal is taken or alleged error committed by the County Board of Appeals for Baltimore County, Appellants deny Paragraph 4.

WHEREFORE, Appellants respectfully requests:  
(a) That the appeal filed by People's Counsel for Baltimore County be denied; and  
(b) That the Court enter an Order affirming the Order of the County Board of Appeals for Baltimore County to the extent that such order grants reclassification of the subject property from BL-CS-2 to BM-CS-2; and that said order be modified in part by deleting the conditioning phrase "for the specific purpose of expanding the existing used and new car dealership"; and  
(c) For such other and further relief as the nature of their cause may require.

Robert W. Cannon  
Robert W. Cannon  
100 South Charles Street  
Baltimore, Maryland 21201  
(301) 332-8816

Attorney for Appellants

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing Answer to Petition on Appeal was heretofore served on the County Board of Appeals of Baltimore County, whose action is appealed from, by leaving a copy thereof with Jane Holman, at Room 200, Court House, Towson, Maryland 21204, on this 16th day of May, 1986.

I HEREBY CERTIFY that a copy of the foregoing Answer to Petition on Appeal was mailed to Stanley H. Miller, Esquire, Knickerbocker Building, Suite 200, 218 E. Lexington Street, Baltimore, Maryland 21202, on this 16th day of May, 1986.

Robert W. Cannon

IN THE MATTER OF ROBERT W. MOCKARD, ET AL FOR RECLASSIFICATION OF PROPERTY LOCATED AT HARFORD ROAD AND EAST AVENUE FROM BL-CL-2 TO BM-CS-2 11th DISTRICT

ROBERT W. MOCKARD, ET AL Plaintiffs

ZONING FILE NO. R-86-303

IN THE CIRCUIT COURT FOR BALTIMORE COUNTY AT LAW DOCKET NO. 24, FOLIO NO. 102 FILE NO.: 86-CG-1262

MOTION TO EXTEND TIME TO TRANSMIT RECORD

Now comes Michael D. Eck, Appellant, by his Attorney, Stanley H. Miller and respectfully represents unto YOUR HONOR:

1. An Appeal was filed on April 4, 1986 by your Movant and subsequent Appeals have been filed by the People's Counsel and by Griffith Chrysler Plymouth.
  2. That the parties are presently attempting to resolve all issues in the instant case.
  3. That the Transcript of Testimony can be ordered and made ready upon thirty days notice.
  4. That all parties have been notified and indicate that they have no objection to the extension of time for the transmittal of the record for a period of ninety days.
- WHEREFORE, it is respectfully prayed that the time within which to transmit the transcript and the record of this proceeding be extended for a period of ninety days in accordance with Rule B-7.

STANLEY H. MILLER  
Knickerbocker Building, Suite 200  
218 E. Lexington Street  
Baltimore, Maryland 21202  
752-6203  
Attorney for Appellant

STANLEY H. MILLER  
ATTORNEY AT LAW  
LEXINGTON ST.  
NO. 21202-3588  
PHONE 752-6203

COUNTY CLERK  
R-86-303 P#031

CERTIFICATE OF SERVICE

I HEREBY CERTIFY, that a copy of the MOTION TO EXTEND TIME TO TRANSMIT RECORD was served upon the County Board of Appeals of Baltimore County, Room 200, Court House, Baltimore, Maryland 21204 on the 1st day of May, 1986 and that a copy of same was mailed to Robert W. Cannon, Esquire, 100 South Charles Street, Baltimore, Maryland 21201, Attorney for the Petitioners below and to People's Counsel, Room 223, Court House, Towson, Maryland 21204 on the 1st day of May, 1986.

STANLEY H. MILLER

STANLEY H. MILLER  
ATTORNEY AT LAW  
LEXINGTON ST.  
NO. 21202-3588  
PHONE 752-6203

IN THE MATTER OF ROBERT W. MOCKARD, ET AL FOR RECLASSIFICATION OF PROPERTY LOCATED AT HARFORD ROAD AND EAST AVENUE FROM BL-CL-2 TO BM-CS-2 11th DISTRICT

ROBERT W. MOCKARD, ET AL Plaintiffs

ZONING FILE NO. R-86-303

IN THE CIRCUIT COURT FOR BALTIMORE COUNTY AT LAW DOCKET NO. 24, FOLIO NO. 102 FILE NO.: 86-CG-1262

ORDER

It is this 8th day of May, 1986, by the Circuit Court for Baltimore County,

ORDERED that the time to transmit record of appeal be and it is hereby extended until the 1st day of August, 1986.

15/ Mickelson  
JUDGE

COUNTY CLERK  
R-86-303 P#031

STANLEY H. MILLER  
ATTORNEY AT LAW  
LEXINGTON ST.  
NO. 21202-3588  
PHONE 752-6203

IN THE MATTER OF ROBERT W. MOCKARD, ET AL FOR RECLASSIFICATION OF PROPERTY LOCATED AT HARFORD RD. & EAST AVE. FROM BL-CS-2 TO BM-CS-2 11th District

ROBERT W. MOCKARD, ET AL, PLAINTIFFS

ZONING FILE NO. R-86-303

IN THE CIRCUIT COURT FOR BALTIMORE COUNTY AT LAW Docket No. 24 Folio No. 102 File No. 86-CG-1262

ANSWER TO PETITION ON APPEAL

People's Counsel for Baltimore County, Protestant below and Appellant herein, answers the Petition on Appeal in the above-entitled matter, as follows:

1. Appellant denies Paragraph 1.
2. Appellant denies Paragraph 2.
3. Appellant admits Paragraph 3.
4. Appellant denies Paragraph 4 insofar as it is intended to support a request that the zoning reclassification be granted unconditionally.

WHEREFORE, People's Counsel respectfully requests:

- a. That the appeal filed by Robert W. Mockard, et al be denied; and
- b. That the Court enter an Order denying the zoning reclassification; and
- c. For such other and further relief as the nature of the case requires.

Phyllis Cole Friedman  
Phyllis Cole Friedman  
People's Counsel for Baltimore County

Peter Max Zimmerman

Peter Max Zimmerman  
Deputy People's Counsel  
Room 223, Court House  
Towson, Maryland 21204  
494-2166

I HEREBY CERTIFY that on this 2nd day of April, 1986, a copy of the foregoing Answer to Petition on Appeal was delivered to the Administrative Secretary, County Board of Appeals, Room 200, Court House, Towson, MD 21204; and a copy was mailed to Robert W. Cannon, Esquire, 100 S. Charles St., Baltimore, MD 21201; and Stanley H. Miller, Esquire, Knickerbocker Bldg., Suite 200, 218 E. Lexington St., Baltimore, MD 21202.

Peter Max Zimmerman  
Peter Max Zimmerman

IN THE MATTER OF ROBERT W. MOCKARD, ET AL FOR RECLASSIFICATION OF PROPERTY LOCATED AT HARFORD ROAD AND EAST AVENUE FROM BL-CS-2 TO BM-CS-2 11th DISTRICT

ZONING FILE NO. R-86-303

IN THE CIRCUIT COURT FOR BALTIMORE COUNTY AT LAW DOCKET NO. 24 FOLIO NO. 102 FILE NO. 86-CG-1262

PETITION PERFECTING APPEAL FROM ACTION OF THE COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY

TO THE HONORABLE, THE JUDGE OF SAID COURT:

The Petition of Robert W. Mockard, Steven R. Griffith, Saied Manocheh, Mohamad Pakdaman, Mohammad Manocheh, Ezzatollah Vahedi-Faridi, Mohammad-Hossein Tehranian, Mobil Oil Corporation, and their successors, Appellants in this case, (hereinafter "Appellants"), by their attorney, Robert W. Cannon, respectfully represents unto Your Honor:

1. That Appellants were the petitioners for the reclassification granted subject to condition in this case by the County Board of Appeals for Baltimore County (the "Board") and have a direct and immediate interest in the subject matter of the appeal herein, which interest has been adversely affected by the action of the Board, to their special harm and damage; and that Appellants are directly aggrieved by the Opinion and Order of the Board, from which they entered the subject appeal, as hereinafter set forth;
2. That pursuant to the provisions of Subtitle B of Chapter 1100 of the Maryland Rules of Procedure, Appellants

WEINBERG AND GREEN  
BALTIMORE, MD. 21201

heretofore entered with this Court an appeal from the Order passed by the Board at its March 6, 1986 meeting; and that this Petition, setting forth the action appealed from, the error committed by the Board in taking such action, and the relief sought by Appellants, is designed to perfect such appeal in accordance with the requirements of said Maryland Rules of Procedure;

3. That by its Opinion and Order passed on March 6, 1986, a copy of which is attached to this Petition and incorporated herein by reference, the Board granted, subject to condition, Appellants' request for reclassification of the subject property from BL-CS-2 to BM-CS-2;
4. That the aforesaid March 6, 1986 Opinion and Order of the Board is illegal, invalid and erroneous to the extent that said Opinion and Order conditioned reclassification of the subject property from BL-CS-2 to BM-CS-2 "for the specific purpose of expanding the existing used and new car dealership." Opinion and Order at 4.

WHEREFORE, the Appellants respectfully pray:

- (a) That the Order of the County Board of Appeals for Baltimore County be affirmed to the extent that said Order grants reclassification of the subject property from BL-CS-2 to BM-CS-2; and, that said Order be modified in part by deleting the conditioning phrase "for the specific purpose of expanding the existing used and new car dealership"; and,

- (b) For such other and further relief as the nature of their cause may require.

Robert W. Cannon  
Robert W. Cannon  
100 South Charles Street  
Baltimore, Maryland 21201  
(301) 332-8816  
Attorney for Appellants

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing Petition was heretofore served on the County Board of Appeals of Baltimore County, whose action is appealed from, by leaving a copy thereof with June Helms, at Room 200, Court House, Towson, Maryland 21204, this 1st day of April, 1986.

Christine B. Buehler

WEINBERG AND GREEN  
BALTIMORE, MD. 21201

COUNTY CLERK  
R-86-303 A#015

COUNTY CLERK  
R-86-303 A#015

24/102/18609/46

PEOPLE'S COUNSEL FOR BALTIMORE COUNTY, ET AL. )  
 Appellants )  
 vs. )  
 ROBERT W. MOCKARD, ET AL. )  
 Appellees )

IN THE )  
 CIRCUIT COURT )  
 FOR )  
 BALTIMORE COUNTY )  
 CASE NO. 86CG1262 )  
 (ZONING MATTER #R-86-303)

OPINION AND ORDER

This case came before the Court on February 11, 1987 on appeal from a decision rendered by the Baltimore County Board of Appeals. Petitioners below, Robert W. Mockard, et al., requested a zoning reclassification of property located at Harford Road and East Avenue from BL-CS-2 to BM-CS-2. The Board granted the reclassification for the specific purpose of expanding the existing used and new car dealership (Griffith Chrysler-Plymouth). Orders for Appeal were filed by three parties: Petitioners; People's Counsel for Baltimore County; and Michael D. Eck, Protestant. The day prior to the hearing before this Court, Michael D. Eck filed a Consent to Judgment in Favor of Robert W. Mockard, et al., so that argument on February 11 was presented only by Petitioners and People's Counsel.

The issues raised on appeal are as follows:  
 (1) Was the evidence presented to the Board relative to mistake strong enough to render the issue fairly

debatable? [Balto. Co. Code Sec. 2-58.1(j)(1)].  
 (2) Did the Board make findings as to the factors warranting the reclassification pursuant to Sec. 2-58.1(j)(2) of the Balto. Co. Code?  
 (3) Was the condition placed on the reclassification erroneous?

The Board decided to grant Petitioner's request for a reclassification in zoning from business local (BL-CS-2) to business major (BM-CS-2). The Board added the condition "for the specific purpose of expanding the existing used and new car dealership". The Board's decision is based upon the "change or mistake" rule set forth in the Baltimore County Code:

Before any property is reclassified pursuant to this section, the board of appeals must find:

- (1) That there has occurred a substantial change in the character of the neighborhood in which the property is located since the property was last classified, or that the last classification of the property was established in error.
- Balto. Co. Code 1978, Sec. 2-58.1(j)(1) (1985 Cum. Supp.).
- I. Was the evidence presented to the Board relative to mistake strong enough to render the issue fairly debatable?
- Petitioners relied on the "mistake" portion of the "change or mistake" rule and argued to the Board that the BL (business local) zoning given to the subject property during the 1984 Comprehensive Zoning Process was an error in light of the

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In reviewing an agency action, the Court may not uphold the agency order unless it is sustainable on the agency's findings and for the reasons stated by the agency. United Steel Workers v. Bethlehem Steel, 298 Md. 665, 472 A.2d 62 (1984). In the instant case, the Board's decision is conclusory in nature and specifically omits findings relative to the factors set forth above. The circuit court may not supply factual findings which were not made by the Board. Ocean Hideaway Condominium, et al. v. Boardwalk Plaza Venture, 68 Md. App. 650 (1986). This Court will remand for findings consistent with Sec. 2-58.1(j)(2).

III. Was the condition placed on the reclassification erroneous? Both Petitioner and People's Counsel urge that conditional zoning is invalid when the rezoning is accomplished by the open-plat method employed by Petitioners. Although testimony was taken relative to Petitioner's proposed use, their petition for reclassification was not a "specific-site plan" as specified in the Baltimore County Code Sec. 2-58.1(1). In Board of County Commissioners of Washington County v. H. Manny Holtz, Inc., 65 Md. App. 574, 501 A.2d 489 (1985), the Court of Appeals stated:

While we do acknowledge that certain text writers and various states have been attracted to conditional zoning as a valuable planning tool, we are not inclined to construe the statute [Article 66B] to provide for conditional use zoning in Maryland.

Although Sec. 2-58.1(1) provides an exception to the rule enunciated in Holtz, Petitioners did not utilize that provision. It appears that the Board was attempting to mitigate any negative impact which the reclassification may have on the surrounding neighborhood by imposing the condition on the reclassification. However, conditional zoning is not a valid means by which to achieve that result. A more careful determination of the delineated factors should enable the Board to determine whether the prospective classification is, in fact, warranted.

Accordingly, it is this 3rd day of March, 1987, by the Circuit Court for Baltimore County,

ORDERED that the decision of the County Board of Appeals be and the same is hereby REVERSED as to the condition imposed on the reclassification, and further

ORDERED that the case be REMANDED to the County Board of Appeals for findings consistent with this opinion.

*William M. Nickerson*  
 WILLIAM M. NICKERSON, JUDGE

fact that it is surrounded by BM (business major) zones. They offered testimony from three expert witnesses, two of whom testified that in their opinion, a mistake had been made in the 1984 zoning. In addition, a letter from Norman E. Gerber, Director of Planning and Zoning, was accepted into evidence wherein the proposed reclassification was recommended, although no mistake in prior zoning was acknowledged. Photos and a zoning map were also presented to the Board.

This Court is aware that in a zoning appeal the Court may not substitute its judgment for that of the Board. The scope of review is limited to a determination of whether the issue presented to the Board, i.e. mistake, was fairly debatable. If so, the decision must be affirmed by the Circuit Court. Floyd v. County Council of P.G. Co., 55 Md. App. 246, 461 A.2d 76 (1983). However, in order to render the issue of "mistake" fairly debatable, substantial evidence of such mistake must have been presented to the Board. Coppolino v. County Board of Appeals of Baltimore County, 23 Md. App. 358, 328 A.2d 55 (1974). When a Board's finding cannot be said to be "fairly debatable", it is arbitrary, capricious and a denial of due process of law. Turner v. Hammond, 270 Md. 41, 310 A.2d 543 (1973).

COPIES SENT TO:  
 Robert W. Cannon, Esquire  
 100 South Charles Street  
 Baltimore, Maryland 21201  
 Phyllis C. Friedman, Esquire  
 Room 223, Court House  
 Towson, Maryland 21204  
 Stanley H. Miller, Esquire  
 Suite 200  
 218 East Lexington Street  
 Baltimore, Maryland 21202

This Court will not disturb the Board's decision as to the issue of mistake. The evidence, including photographs, zoning map and expert testimony, presented to the Board was sufficient to create a fairly debatable issue of mistake.

II. Did the Board make findings as to the factors warranting the reclassification pursuant to Sec. 2-58.1(j)(2)? People's Counsel argues that the written opinion of the Board does not reflect the requisite consideration of factors necessary for a reclassification, as set forth in Sec. 2-58.1(j)(2). This Court agrees. A careful reading of the Code section mandates that a reclassification may be made only upon consideration of factors . . . including, but not limited to, all of the following: Population trends; availability and adequacy of present and proposed transportation facilities, water supply facilities, sewerage, solid waste disposal facilities, schools, recreational facilities, and other public facilities, and compatibility of uses generally allowable under the prospective classification with the present and projected development or character of the surrounding area; any pertinent recommendation of the planning board or office of planning and zoning; consistency of the current and prospective classifications with the master plan, the county plan for sewerage and water supply facilities, and the capital program.

CIRCUIT COURT FOR BALTIMORE COUNTY  
 CIVIL GENERAL

DOCKET 24 PAGE 102 CASE NO. 86CG1262 CATEGORY APPEAL

ATTORNEYS

IN THE MATTER OF ROBERT W. MOCKARD, STEVEN R. GRIFFITH, SAIED MAHMOUD, FOR RECLASSIFICATION OF MOHAMMAD-HOSSEIN TEHRANIAN, PROPERTY LOCATED AT MOBIL OIL CORPORATION, and HARFORD ROAD AND EAST AVE. Their Successors, Applicants FROM BL CS-2 to BM-CS-2 Appellants  
 ZONING MATTER R-86-303  
 ITEM NO. 166  
 MICHAEL D. ECK, Protestant  
 COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY

Stanley H. Miller  
 Knickerbocker Bldg-Ste 200  
 218 E. Lexington St. (02)  
 752-6203

Robert W. Cannon  
 100 South Charles Street  
 (01) 352-8816

Peter Max Zimmerman  
 Rm. 223, Courthouse  
 (04) 494-2188

- PEOPLE'S COUNSEL FOR BALTIMORE COUNTY
- COPIES SENT TO:
- Robert W. Cannon, Esquire  
 100 South Charles Street  
 Baltimore, Maryland 21201
- Phyllis C. Friedman, Esquire  
 Room 223, Court House  
 Towson, Maryland 21204
- Stanley H. Miller, Esquire  
 Suite 200  
 218 East Lexington Street  
 Baltimore, Maryland 21202
- (1) April 4, 1986 - Appellant's Order for Appeal from the Decision of the County Board of Appeals of Baltimore County and Petition fd.  
 (2) April 4, 1986 - People's Counsel for Baltimore County Appeal from the Decision of the County Board of Appeals and Petition fd.  
 (3) Apr. 4, 1986 - Certificate of Notice fd.  
 (4) April 7, 1986 - Appellant's Robert W. Mockard, et al Order for Appeal from the Action of the Board of Appeals of Baltimore County fd.  
 (5) April 9, 1986 - Certificate of Notice fd.  
 (6) April 17, 1986 - App of Robert W. Cannon as attorney for the appellants same day Petition perfecting appeal from action of the county board of appeals of Baltimore county fd.  
 (7) Apr. 23, 1986 Protestant's Answer to Petition on Appeal fd.  
 (8) May 2, 1986 - Appellant's (Michael D. Eck) Motion to Extend Time to Transmit Record fd.  
 (9) May 16, 1986 - Order of Court that the Time to transmit record of appeal be and it is hereby extended until the 1st day of August, 1986. (SEE)  
 (10) May, 16, 1986 - Correspondence fd.  
 (11) May, 16, 1986 - Appellant's Mockard et al Answer to Petition for Appeal fd./filed by Michael D. Eck  
 (12) May, 16, 1986 - Appellants (Mockard) Answer to Petition for Appeal filed by People's Counsel for Balto. Co. fd.  
 (13) Aug. 1, 1986 - Transcript of Record fd.  
 (14) Aug. 1, 1986 - Notice of Filing of Record fd.  
 (15) Aug. 25, 1986 - People's Counsel's Memorandum fd.  
 (16) Aug. 29, 1986 - Appellants' Motion to Extend Time to File Memoranda and Order of Court that the time to file memoranda pursuant to MD Rule of Procedure B12 be and it is hereby extended until the 29th day of October, 1986. (SEE)

DOCKET 24 PAGE 102 CASE NO. 86CG1262

IN THE MATTER OF :  
ROBERT W. MOCKARD, ET AL :  
FOR RECLASSIFICATION OF :  
PROPERTY LOCATED AT :  
HARFORD RD. AND EAST AVE. :  
FROM BL-C3-2 TO BM-C3-2 :  
11th DISTRICT : BALTIMORE COUNTY

OPINION

The above captioned matter comes before this Board on a Petition for Reclassification out of cycle. Testimony and evidence was received by this Board on Wednesday, February 12, 1986. Petitioner's Exhibit 2, pictorially describes the existing zoning on the subject site as well as the property Petitioner now seeks to rezone. Witnesses for the Petitioner testified, over objection by the People's Counsel, that the intended use of the subject site was for the expansion of the new and used car dealership of Griffith Chrysler-Plymouth. The basis of People's Counsel's objection was the failure of the Petitioner to submit a specific site plan. William F. Kirwin, an expert land planner and architect, testified that he believed the County Council committed error in the 1984 zoning maps. He also stated that the requested reclassification would be consistent with the surrounding classifications, would comply with the 502.1 requirements of the Baltimore County Zoning Regulations and would provide a reasonable use for the subject property. John W. Guckert, a Traffic Engineer, testified that in his opinion the reclassification of the subject site would not adversely affect traffic flow or result in increased congestion.

Robert W. Mockard, et al  
Case No. R-86-303

Mr. Guckert's testimony was questioned by the Protestants, however, it is apparent that the Protestants' questions concerned Mr. Guckert's description of East Avenue and Harford Road as a level A intersection rather than the resultant change in traffic flow and/or congestion resulting from a reclassification of the subject property. Frederick P. Klaus, a real estate consultant, testified that in his opinion the County Council had committed error, that he was certain a BM classification rather than BL would have been placed on the subject property during the 1984 Comprehensive Zoning Process if it had been an issue and further that the reclassification of the subject property would comply with the 502.1 requirements of the Baltimore County Zoning Regulations. James Hoswell, land planner for Baltimore County, testified that the present zoning of the subject property provides for a reasonable use of same. Through Mr. Hoswell, a letter dated January 27, 1986, directed to the Board of Appeals from Norman E. Gerber, Director of Planning and Zoning, was introduced as Petitioner's Exhibit 7. Mr. Hoswell stated that said letter was written with the knowledge that the requested reclassification was on an open site plan. Nevertheless, said letter recommends the requested reclassification. It is also interesting to note that this Petition for Reclassification was exempted by the County Council from the normal cyclical procedures. This Board is persuaded that such unusual action by the County Council demonstrates the possibility that the County Council may believe error was committed during the 1984 Comprehensive Zoning Process. Three witnesses were produced by the Protestants.

Robert W. Mockard, et al  
Case No. R-86-303

The first witness, Mr. Maurice Barsotti, stated his primary concern was traffic congestion and the attendant effect the reclassification of the subject property will have on East Avenue. Mr. Barsotti also mentioned the possibility of an increase in crime in the area if the reclassification is granted. Mrs. Mary Eck and Robert Eck reiterated Mr. Barsotti's concern about increased traffic. They also questioned the specific uses intended by the Petitioners should the reclassification request be granted. Given the extensive number and types of uses permitted in a BM zone, Mr. and Mrs. Eck were, justifiably, we believe, concerned with the proliferation of traffic and commercialization and industry in the area. Both Mr. and Mrs. Eck acknowledged, however, that they had no particular objection to the expansion of the car dealership. After having considered all of the evidence, this Board is persuaded that the concerns expressed by Mr. Barsotti and Mr. and Mrs. Eck are legitimate. Life and the quality of that life is precious and the reclassification of the subject site shall impact this neighborhood. However, we are also persuaded that the County Council did commit error in not classifying the subject site BM during the 1984 zoning process. The subject properties are surrounded by BM zones. Only across Harford Road, on the other side of the street, are these other BL and B3 zones. No CR zones are adjacent or contiguous to the subject property. This Board is also cognizant of the fact that the Court of Appeals has consistently stated that a more liberal standard is employed when considering a reclassification from one commercial zone to another. At the same time, however, we cannot be oblivious to the problems anticipated by the surrounding neighborhood.

Robert W. Mockard, et al  
Case No. R-86-303

The Petitioners' property and that upon which they are contract purchasers is peculiarly laid out. Although the particular property sought to be reclassified is not contiguous to a CR zone, much of the balance of Petitioners' property is so situated. Consequently, a specific site plan, obviously, would be preferred. Unfortunately none exists. Nevertheless, this Board cannot ignore what we believe to be obvious error. We can, however, endeavor to correct that error while protecting the quality of life of the surrounding neighborhood. This Board shall, therefore, grant the requested reclassification for the specific purpose of expanding the existing used and new car dealership. O R D E R For the reasons set forth in the foregoing Opinion, it is this 12th day of March, 1986, by the County Board of Appeals, ORDERED that the Petition for Reclassification from BL-C3-2 to BM-C3-2 be and the same is GRANTED for the specific purpose of expanding the existing used and new car dealership. Any appeal from this decision must be in accordance with Rules B-1 thru B-13 of the Maryland Rules of Procedure. COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY  
William T. Hackett, Chairman  
William F. Kirwin  
John W. Evans  
Larry B. Spurrer

IN THE MATTER OF :  
ROBERT W. MOCKARD, ET AL :  
FOR RECLASSIFICATION OF :  
PROPERTY LOCATED AT :  
HARFORD RD. AND EAST AVE. :  
FROM BL-C3-2 TO BM-C3-2 :  
11th DISTRICT : BALTIMORE COUNTY

ROBERT W. MOCKARD, ET AL, :  
PLAINTIFFS : AT LAW

Doc. No. 24  
Folio No. 102  
File No. 84-01-1262

CERTIFICATE OF NOTICE

M. Clerks Pursuant to the provisions of Rule B-2(d) of the Maryland Rules of Procedure, William T. Hackett, LeRoy B. Spurrer and William B. Evans, constituting the County Board of Appeals of Baltimore County, have given notice by mail of the filing of the appeal to the representative of every party to the proceeding before it; namely, Robert W. Cannon, Esq., Weinberg & Green, 100 S. Charles Street, Baltimore, Md. 21201, Counsel for Petitioners-Plaintiffs; Michael D. Eck, 9304 Carney Rd., Baltimore, Md. 21234, Protestant; Stanley H. Miller, Esq., Knickerbocker Bldg., Suite 200, 218 E. Lexington St., Baltimore, Md. 21202, Counsel for Protestant; and Phyllis C. Friedman, Court House, Towson, Md. 21284, People's Counsel for Baltimore County, a copy of which notice is attached hereto and prayed that it may be made a part thereof.

June Holmen  
County Board of Appeals of Baltimore County  
Rm. 200, Court House, Towson, Md. 21284  
47-3150

Robert W. Mockard, et al  
Case No. R-86-303

I HEREBY CERTIFY that a copy of the foregoing Certificate of Notice has been mailed to Robert W. Cannon, Esq., Weinberg & Green, 100 S. Charles St., Baltimore, Md. 21201, Counsel for Petitioners-Plaintiffs; Michael D. Eck, 9304 Carney Rd., Baltimore, Md. 21234, Protestant; Stanley H. Miller, Esq., Knickerbocker Bldg., Suite 200, 218 E. Lexington St., Baltimore, Md. 21202, Counsel for Protestant; and Phyllis C. Friedman, Court House, Towson, Md. 21284, People's Counsel for Baltimore County, on this 12th day of April, 1986.

June Holmen  
County Board of Appeals of Baltimore County

County Board of Appeals of Baltimore County  
Room 200 Court House  
Towson, Maryland 21284  
(301) 494-3180  
April 9, 1986

Robert W. Cannon, Esq.  
Weinberg & Green  
100 S. Charles Street  
Baltimore, Md. 21201  
Dear Mr. Cannon: Re: Case No. R-86-303 Robert W. Mockard, et al

In accordance with Rule B-7 (a) of the Rules of Procedure of the Court of Appeals of Maryland, the County Board of Appeals is required to submit the record of proceedings of the appeal which you have taken to the Circuit Court for Baltimore County in the above matter within thirty days.

The cost of the transcript of the record must be paid by you. Certified copies of any other documents necessary for the completion of the record must also be at your expense.

The cost of the transcript, plus any other documents, must be paid in time to transmit the same to the Circuit Court not later than thirty days from the date of any petition you might file in court, in accordance with Rule B-7 (a).

Enclosed is a copy of the Certificate of Notice, also invoice covering the cost of certified copies of necessary documents.

Very truly yours,  
June Holmen, Secretary

Encls.

County Board of Appeals of Baltimore County  
Room 200 Court House  
Towson, Maryland 21284  
(301) 494-3180  
April 9, 1986

Stanley H. Miller, Esq.  
Suite 200, Knickerbocker Bldg.  
218 E. Lexington Street  
Baltimore, Md. 21202  
Dear Mr. Miller: Re: Case No. R-86-303 Robert W. Mockard, et al

Notice is hereby given, in accordance with the Rules of Procedure of the Court of Appeals of Maryland, that an appeal has been taken to the Circuit Court for Baltimore County from the decision of the County Board of Appeals rendered in the above matter.

Enclosed is a copy of the Certificate of Notice.

Very truly yours,  
June Holmen, Secretary

Encl.  
cc: Michael D. Eck  
Phyllis C. Friedman  
Arnold Jackson  
Jean Jutz  
James Dyer  
Norman Gerber  
James Hoswell

IN THE MATTER OF  
ROBERT W. MOCKARD, ET AL.  
FOR RECLASSIFICATION OF  
PROPERTY LOCATED AT  
HARFORD RD. AND EAST AVE.  
FROM BL-CS-2 TO BM-CS-2  
11TH DISTRICT

BEFORE THE  
BOARD OF APPEALS  
OF  
BALTIMORE COUNTY

ORDER FOR APPEAL OF ROBERT W. MOCKARD, ET AL.  
FROM ACTION OF THE  
BOARD OF APPEALS OF BALTIMORE COUNTY

MR. CLERK:

Please enter an appeal on behalf of Robert W. Mockard, Steven R. Griffith, Saie' Manocheh, Mohamad Pakdaman, Mohammad Manocheh, Ezzatollah Vahedi-Faridi, Mohammad-Hossein Tehranian, Mobil Oil Corporation, and their successors, Applicants, from the Order of the Board of Appeals of Baltimore County passed in the above entitled case on March 6, 1986, to the extent that said Order conditioned reclassification of the subject property from BL-CS-2 to BM-CS-2 for the specific purpose of expanding the existing used and new car dealership.

*Robert W. Cannon*

Robert W. Cannon  
Weinberg and Green  
100 South Charles Street  
Baltimore, Maryland 21201  
(301) 332-8816

Attorney for Appellants

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing Order for Appeal was heretofore served on the Board of Appeals of Baltimore County, whose action is appealed from, by leaving a copy thereof with *Robert Cannon*, at Room 200, Court House, Towson, Maryland 21204, this 4th day of April, 1986.

*Elizabeth B. Brooks*  
Elizabeth B. Brooks

COUNTY RECEIVED  
APPEALS  
NOV 11 1986

- 2 -

IN THE MATTER OF :  
ROBERT W. MOCKARD, ET AL. :  
FOR RECLASSIFICATION OF :  
PROPERTY LOCATED AT :  
HARFORD ROAD AND EAST AVENUE :  
FROM BL-CS-2 TO BM-CS-2 ZONE :  
11TH DISTRICT :  
MICHAEL D. ECK, PLAINTIFF :  
PEOPLE'S COUNSEL FOR BALTIMORE :  
COUNTY, PLAINTIFF :  
ZONING FILE NO. R-86-303 :

IN THE :  
CIRCUIT COURT :  
FOR :  
BALTIMORE COUNTY :  
AT LAW :  
Doc. No. 24 :  
Folio No. 152 :  
File No. R6-CG-1262 :

CERTIFICATE OF NOTICE

Mr. Clerk:

Pursuant to the provisions of Rule B-2(d) of the Maryland Rules of Procedure, William T. Hackett, LeFoy B. Spurrier and William R. Evans, constituting the County Board of Appeals of Baltimore County, have given notice by mail of the filing of the appeals to the representative of every party to the proceeding before it; namely, Michael D. Eck, 9304 Carney Rd., Baltimore, Md. 21234, Plaintiff; Stanley H. Miller, Esq., Suite 200, Knickerbocker Bldg., 218 E. Lexington St., Baltimore, Md. 21202, Counsel for Plaintiff; Phyllis C. Friedman, Court House, Towson, Md. 21204, People's Counsel for Baltimore County, Plaintiff; Robert W. Cannon, Esq., Weinberg & Green, 100 S. Charles Street, Baltimore, Md. 21201, Counsel for Petitioners, Robert W. Mockard, et al; and Steven R. Griffith, Doug Griffith Chrysler Plymouth, Inc., 9213 Harford Road, Baltimore, Md. 21234, Contract Purchaser, a copy of which Notice is attached hereto and prayed that it may be made a part thereof.

*Jane Holman*  
Jane Holman  
County Board of Appeals of Baltimore  
County, Rt. 200, Court House  
Towson, Md. 21204  
494-2160

Robert W. Mockard, et al  
Case No. R-86-303

I HEREBY CERTIFY that a copy of the foregoing Certificate of Notice has been mailed to Michael D. Eck, 9304 Carney Rd., Baltimore, Md. 21234, Plaintiff; Stanley H. Miller, Esq., Suite 200, Knickerbocker Bldg., 218 East Lexington St., Baltimore, Md. 21202, Counsel for Plaintiff; Phyllis C. Friedman, Court House, Towson, Md. 21204, People's Counsel for Baltimore County, Plaintiff; Robert W. Cannon, Esq., Weinberg & Green, 100 S. Charles St., Baltimore, Md. 21201, Counsel for Petitioners, Robert W. Mockard, et al; and Steven R. Griffith, Doug Griffith Chrysler Plymouth, Inc., 9213 Harford Rd., Baltimore, Md. 21234, Contract Purchaser, on this 4th day of April, 1986.

*Jane Holman*  
Jane Holman  
County Board of Appeals of Baltimore County



County Board of Appeals of Baltimore County

Room 200 Court House  
Towson, Maryland 21204  
(301) 494-3150  
April 4, 1986

Stanley H. Miller, Esq.  
Knickerbocker Bldg., Suite 200  
218 E. Lexington St.  
Baltimore, Md. 21202

Re: Case No. R-86-303  
Robert W. Mockard, et al

Dear Mr. Miller:

In accordance with Rule B-7 (a) of the Rules of Procedure of the Court of Appeals of Maryland, the County Board of Appeals is required to submit the record of proceedings of the appeal which you have taken to the Circuit Court for Baltimore County in the above matter within thirty days.

The cost of the transcript of the record must be paid by you. Certified copies of any other documents necessary for the completion of the record must also be at your expense.

The cost of the transcript, plus any other documents, must be paid in time to transmit the same to the Circuit Court not later than thirty days from the date of any petition you might file in court, in accordance with Rule B-7 (a).

Enclosed is a copy of the Certificate of Notice; also invoice covering the cost of certified copies of necessary documents.

Very truly yours,

*Jane Holman*  
Jane Holman, Secretary

Encls.  
cc: Michael D. Eck



County Board of Appeals of Baltimore County

Room 200 Court House  
Towson, Maryland 21204  
(301) 494-3150  
April 4, 1986

People's Counsel for Baltimore County  
Court House  
Towson, Md. 21204

Gentlemen:

Re: Case No. R-86-303  
Robert W. Mockard, et al

In accordance with Rule B-7 (a) of the Rules of Procedure of the Court of Appeals of Maryland, the County Board of Appeals is required to submit the record of proceedings of the appeal which you have taken to the Circuit Court for Baltimore County in the above matter within thirty days.

The cost of the transcript of the record must be paid by you. Certified copies of any other documents necessary for the completion of the record must also be at your expense.

The cost of the transcript, plus any other documents, must be paid in time to transmit the same to the Circuit Court not later than thirty days from the date of any petition you might file in court, in accordance with Rule B-7 (a).

Enclosed is a copy of the Certificate of Notice; also invoice covering the cost of certified copies of necessary documents.

Very truly yours,

*Jane Holman*  
Jane Holman, Secretary

Encls.



County Board of Appeals of Baltimore County

Room 200 Court House  
Towson, Maryland 21204  
(301) 494-3150  
April 4, 1986

Robert W. Cannon, Esq.  
Weinberg & Green  
100 S. Charles St.  
Baltimore, Md. 21201

Dear Mr. Cannon:

Re: Case No. R-86-303  
Robert W. Mockard, et al

Notice is hereby given, in accordance with the Rules of Procedure of the Court of Appeals of Maryland, that an appeal has been taken to the Circuit Court for Baltimore County from the decision of the County Board of Appeals rendered in the above matter.

Enclosed is a copy of the Certificate of Notice.

Very truly yours,

*Jane Holman*  
Jane Holman, Secretary

Encl.

cc: Steven R. Griffith  
Arnold Jablon  
Jean Jung  
James Dyer  
Norman Garter  
James Mickell

Encls.

COUNTY BOARD OF APPEALS

IN THE MATTER OF  
ROBERT W. MOCKARD, ET AL  
FOR RECLASSIFICATION OF  
PROPERTY LOCATED AT  
HARFORD ROAD AND EAST AVE.  
FROM BL-CS-2 TO BM-CS-2  
11TH DISTRICT  
ZONING MATTER R-86-303  
ITEM NO. 166

NOTICE OF APPEAL

Please note an Appeal from the decision of the County Board of Appeals of Baltimore County in the above captioned matter under date of March 6, 1986 to the Circuit Court for Baltimore County and forward all papers to the Court for hearing.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY, that a copy of the ORDER FOR APPEAL was served upon the County Board of Appeals of Baltimore County, Room 200, Court House, Baltimore, Maryland 21204 on the 4th day of April, 1986 and that a copy of same was mailed to Robert W. Cannon, Esquire, 100 South Charles Street, Baltimore, Maryland 21201, Attorney for the Petitioners below and to People's Counsel, Room 223, Court House, Towson, Maryland 21204 on the 4th day of April, 1986.

STANLEY H. MILLER  
Knickerbocker Building, Suite 200  
218 E. Lexington Street  
Baltimore, Maryland 21202  
752-6203  
Attorney for Michael D. Eck,  
Protestant

JOLSTEIN & MILLER  
ATTORNEYS AT LAW  
218 E. LEXINGTON ST.  
BALTO., MD. 21202-3588  
TELEPHONE 752-6203

IN THE MATTER OF ROBERT W. MCKARD, ET AL FOR RECLASSIFICATION OF PROPERTY LOCATED AT HARFORD ROAD AND EAST AVE. FROM BL-CS-2 TO BM-CS-2 11th DISTRICT ZONING MATTER R-86-303 ITEM NO. 166

IN THE CIRCUIT COURT FOR BALTIMORE COUNTY AT LAW DOCKET NO. 24 FOLIO NO. 102 FILE NO. 86CG1262

PETITION FOR APPEAL

Michael D. Eck, Protestant before the County Board of Appeals and Appellant herein, having heretofore filed a Notice of Appeal from the opinion and Order of the County Board of Appeals dated March 6, 1986 in compliance with Rule B2e files this Petition setting forth the action appealed from and the grounds under which the Appeal is taken.

1. The County Board of Appeals decision and Order granting the Petition for reclassification from BL-CS-2 to BM-CS-2 was based upon no legally sufficient evidence upon which to base its conclusions.
2. That the decision of the County Board of Appeals was contrary to the evidence and that the County Board of Appeals was erroneous in its application of the law and the facts.
3. That the decision of the County Board of Appeals was illegal, arbitrary and capricious.
4. And for such other and further reasons as will be given at the hearing on this matter.

STANLEY H. MILLER  
KNICKERBOCKER BUILDING, SUITE 200  
218 E. LEXINGTON STREET  
BALTIMORE, MARYLAND 21202  
752-6203  
ATTORNEY FOR MICHAEL D. ECK,  
PROTESTANT

OLDSTEIN & MILLER  
ATTORNEYS AT LAW  
118 E. LEXINGTON ST.  
BALTIMORE, MD. 21202-3588  
TELEPHONE 752-8203

CERTIFICATE OF SERVICE

I HEREBY CERTIFY, that a copy of the PETITION FOR APPEAL was served upon the County Board of Appeals of Baltimore County, Room 200, Court House, Baltimore, Maryland 21204 on the 4th day of April, 1986 and that a copy of same was mailed to Robert W. Cannon, Esquire, 100 South Charles Street, Baltimore, Maryland 21201, Attorney for the Petitioners below and to People's Counsel, Room 223, Court House, Towson, Maryland 21204 on the 4th day of April, 1986.

STANLEY H. MILLER

FILED  
COUNTY BOARD OF APPEALS  
APR 4 9 38

OLDSTEIN & MILLER  
ATTORNEYS AT LAW  
118 E. LEXINGTON ST.  
BALTIMORE, MD. 21202-3588  
TELEPHONE 752-8203

IN THE MATTER OF THE PETITION FOR RECLASSIFICATION FROM B.L.-C.S.-2 TO B.M.-C.S.-2 ZONE NE Corner Harford Rd. & East Ave., 11th District

IN THE CIRCUIT COURT FOR BALTIMORE COUNTY AT LAW

ROBERT W. MCKARD, Petitioner  
Zoning File No. R-86-303

Docket No. 24  
Folio No. 102  
File No. 86CG1262

NOTICE OF APPEAL

Please note an appeal from the decision of the County Board of Appeals of Baltimore County in the above-captioned matter, under date of March 6, 1986, to the Circuit Court for Baltimore County, and forward all papers in connection therewith to the Court for hearing.

Phyllis Cole Friedman  
Phyllis Cole Friedman  
People's Counsel for Baltimore County

Peter Max Zimmelman  
Deputy People's Counsel  
Room 223, Court House  
Towson, Maryland 21204  
494-2188

I HEREBY CERTIFY that on this 4th day of April, 1986, a copy of the foregoing Notice of Appeal was delivered to the Administrative Secretary, County Board of Appeals, Room 200, Court House, Towson, MD 21204; and a copy was mailed to Robert W. Cannon, Esquire, Weinberg and Green, 100 S. Charles St., Baltimore, MD 21201.

Phyllis Cole Friedman  
Phyllis Cole Friedman

FILED  
COUNTY BOARD OF APPEALS  
APR 4 9 38

IN THE MATTER OF THE PETITION FOR RECLASSIFICATION FROM B.L.-C.S.-2 TO B.M.-C.S.-2 ZONE NE Corner Harford Rd. & East Ave., 11th District

IN THE CIRCUIT COURT FOR BALTIMORE COUNTY AT LAW

ROBERT W. MCKARD, Petitioner  
Zoning File No. R-86-303

Docket No. 24  
Folio No. 102  
File No. 86CG1262

PETITION ON APPEAL

The People's Counsel for Baltimore County, Protestant below and Appellant herein, having heretofore filed a Notice of Appeal from the Opinion and Order of the County Board of Appeals of Baltimore County, under date of March 6, 1986, in compliance with Maryland Rule B-2(e), files this Petition on Appeal setting forth the grounds upon which this Appeal is taken, viz:

1. That it was prejudicial error for the Board of Appeals to admit evidence concerning the proposed use of the subject site if the rezoning was obtained.
  2. That the County Board of Appeals had no legally sufficient evidence upon which to base its conclusion that the requested reclassification was warranted, and therefore their Order passed herein is illegal, arbitrary, and capricious.
- WHEREFORE, Appellant prays that the Order of the County Board of Appeals under date of March 6, 1986 be reversed, and that the zoning classification of the subject property remain at B.L.-C.S.-2.

Phyllis Cole Friedman  
Phyllis Cole Friedman  
People's Counsel for Baltimore County

Peter Max Zimmelman  
Deputy People's Counsel  
Room 223, Court House  
Towson, Maryland 21204  
494-2188

I HEREBY CERTIFY that on this 4th day of April, 1986, a copy of the foregoing Petition on Appeal was delivered to the Administrative Secretary, County Board of Appeals, Room 200, Court House, Towson, MD 21204; and a copy was mailed to Robert W. Cannon, Esquire, Weinberg and Green, 100 S. Charles ST., Baltimore, MD 21201.

Phyllis Cole Friedman  
Phyllis Cole Friedman

FILED  
COUNTY BOARD OF APPEALS  
APR 4 9 38



County Board of Appeals of Baltimore County  
Room 200 Court House  
Towson, Maryland 21204  
(301) 494-3180  
April 3, 1986

Robert W. Cannon, Esq.  
Weinberg & Green  
100 S. Charles St.  
Baltimore, Md. 21201

Re: Case No. R-86-303  
Robert W. Mckard, et al

Dear Mr. Cannon:

Enclosed herewith please find copy of Motion to Strike and for Expedited Proceedings which was denied by the Board this date.

Very truly yours,

Jane Holmen  
Jane Holmen, Secretary

Encl.  
cc: Steven R. Griffith  
Michael D. Eck  
Phyllis C. Friedman  
Arnold Jablon  
Jean Jung  
James Dyer  
Norman Genter  
James Roswell

IN THE MATTER OF ROBERT W. MCKARD, ET AL FOR RECLASSIFICATION OF PROPERTY LOCATED AT HARFORD RD. AND EAST AVE. FROM BL-CS-2 TO BM-CS-2 11TH DISTRICT

BEFORE COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY

No. R-86-303  
Item #166

MOTION TO STRIKE AND FOR EXPEDITED PROCEEDINGS

Petitioners, Steven R. Griffith and Mobil Oil Corporation, by their attorney, Robert W. Cannon, respectfully move that the Board strike the last paragraph of the Opinion and the entire Order issued herein on March 6, 1986, to allow time for discussions among counsel for each party as to an appropriate form of the Order and the subsequent determination by the Board of an acceptable form of the Order, during which time the Board shall retain jurisdiction over this matter.

Petitioners also move for an expedited hearing on this motion on the ground that the 30 day period during which the Board has revisory power and control over the Order pursuant to Rule 10 of the Rules of Practice and Procedure of the County Board of Appeals expires on April 5, 1986.

People's Counsel has been consulted and have advised Petitioner's attorney that they have no objection to the entry of the herein requested Order.

Filed  
4/3/86

Robert W. Cannon  
Weinberg and Green  
100 South Charles Street  
Baltimore, Maryland 21201  
(301) 332-8316  
Attorney for Petitioners

ORDER

For the reasons set forth in the foregoing Motion, it is this \_\_\_ day of April, 1986, by the County Board of Appeals, ORDERED that the last paragraph of the Opinion and the entire Order granted herein on March 6, 1986 be struck, pending reconsideration of the form of said Order, during which time the Board shall retain jurisdiction over this matter.

COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY

William T. Hackett  
William T. Hackett, Chairman

William R. Evans  
William R. Evans

Lesley S. Spurrier  
Lesley S. Spurrier

CERTIFICATE OF SERVICE

I HEREBY CERTIFY on this 12 day of April, 1986, a copy of the foregoing Motion to Strike and For Expedited Proceedings was served on People's Counsel, by leaving a copy thereof with Shirley M. Hess, at Room 223, Court House, Towson, Maryland 21204.

Robert W. Cannon
Robert W. Cannon
Attorney for Petitioners

RECEIVED
COUNTY BOARD OF APPEALS
APR 1 3 25

BEFORE
COUNTY BOARD OF APPEALS
OF
BALTIMORE COUNTY
No. R-86-303
Item #166

OPINION

The above captioned matter comes before this Board on a Petition for Reclassification out of cycle.

Testimony and evidence was received by this Board on Wednesday, February 12, 1986.

Petitioner's Exhibit 2, pictorially describes the existing zoning on the subject site as well as the property Petitioner now seeks to rezone.

Witnesses for the Petitioner testified, over objection by the People's Counsel, that the intended use of the subject site was for the expansion of the new and used car dealership of Griffith Chrysler-Plymouth. The basis of People's Counsel's objection was the failure of the Petitioner to submit a specific site plan.

William F. Kirwin, an expert land planner and architect, testified that he believed the County Council committed error in the 1984 zoning maps. He also stated that the requested reclassification would be consistent with the surrounding classifications, would comply with the 502.1 requirements of the Baltimore County Zoning Regulations and would provide a reasonable use for the subject property.

John W. Guckert, a Traffic Engineer, testified that in his opinion the reclassification of the subject site would not adversely affect traffic flow or result in increased congestion.

Robert W. Mockard, et al
Case No. R-86-303

Mr. Guckert's testimony was questioned by the Protestants, however, it is apparent that the Protestants' questions concerned Mr. Guckert's description of East Avenue and Harford Road as a level A intersection rather than the resultant change of traffic flow and/or congestion resulting from a reclassification of the subject property.

Frederick P. Klaus, a real estate consultant, testified that in his opinion the County Council had committed error, that he was certain a BM classification rather than BL would have been placed on the subject property during the 1984 Comprehensive Zoning Process if it had been an issue and further that the reclassification of the subject property would comply with the 502.1 requirements of the Baltimore County Zoning Regulations.

James Hoswell, land planner for Baltimore County, testified that the present zoning of the subject property provides for a reasonable use of same. Through Mr. Hoswell, a letter dated January 27, 1986, directed to the Board of Appeals from Norman E. Gerber, Director of Planning and Zoning, was introduced as Petitioner's Exhibit 7. Mr. Hoswell stated that said letter was written with the knowledge that the requested reclassification was on an open site plan. Nevertheless, said letter recommends the requested reclassification.

It is also interesting to note that this Petition for Reclassification was exempted by the County Council from the normal cyclical procedures. This Board is persuaded that such unusual action by the County Council demonstrates the possibility that the County Council may believe error was committed during the 1984 Comprehensive Zoning Process.

Three witnesses were produced by the Protestants.

Robert W. Mockard, et al
Case No. R-86-303

The first witness, Mr. Maurice Barsotti, stated his primary concern was traffic congestion and the attendant effect the reclassification of the subject property will have on East Avenue. Mr. Barsotti also mentioned the possibility of an increase in crime in the area if the reclassification is granted.

Mrs. Mary Eck and Robert Eck reiterated Mr. Barsotti's concern about increased traffic. They also questioned the specific uses intended by the Petitioners should the reclassification request be granted. Given the extensive number and types of uses permitted in a BM zone, Mr. and Mrs. Eck were, justifiably, we believe, concerned with the proliferation of traffic and commercialization and industry in the area. Both Mr. and Mrs. Eck acknowledged, however, that they had no particular objection to the expansion of the car dealership.

After having considered all of the evidence, this Board is persuaded that the concerns expressed by Mr. Barsotti and Mr. and Mrs. Eck are legitimate. Life and the quality of that life is precious and the reclassification of the subject site shall impact this neighborhood. However, we are also persuaded that the County Council did commit error in not classifying the subject site BM during the 1984 zoning process. The subject properties are surrounded by BM zones. Only across Harford Road, on the other side of the street, are these other BL and BR zones. No BR zones are adjacent or contiguous to the subject property.

This Board is also cognizant of the fact that the Court of Appeals has consistently stated that a more liberal standard is employed when considering a reclassification from one commercial zone to another. At the same time, however, we cannot be oblivious to the problems anticipated by the surrounding neighborhood.

Robert W. Mockard, et al
Case No. R-86-303

The Petitioners' property and that upon which they are contract purchasers is peculiarly laid out. Although the particular property sought to be reclassified is not contiguous to a DR zone, much of the balance of Petitioners' property is so situated. Consequently, a specific site plan, obviously, would be preferred. Unfortunately none exists. Nevertheless, this Board cannot ignore what we believe to be obvious error. We can, however, endeavor to correct that error while protecting the quality of life of the surrounding neighborhood.

This Board shall, therefore, grant the requested reclassification for the specific purpose of expanding the existing used and new car dealership.

ORDER

For the reasons set forth in the foregoing Opinion, it is this 4th day of March, 1986, by the County Board of Appeals, ORDERED that the Petition for Reclassification from BL-CO-2 to BM-CO-2 be and the same is GRANTED for the specific purpose of expanding the existing used and new car dealership.

Any appeal from this decision must be in accordance with Rules B-1 thru B-13 of the Maryland Rules of Procedure.

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

William T. Hackett
William T. Hackett, Chairman

Richard A. Spiller
Richard A. Spiller



County Board of Appeals of Baltimore County

Room 200 Court House
Towson, Maryland 21204
(301) 494-3180

March 6, 1986

Robert W. Cannon, Esq.
Stephen Posen, Esq.
Weinberg & Green
100 S. Charles St.
Baltimore, Md. 21201

Case No. R-86-303
Robert W. Mockard, et al

Gentlemen:

Enclosed herewith is a copy of the Opinion and Order passed today by the County Board of Appeals in the above entitled case.

Very truly yours,

Jane Holmer
Jane Holmer, Secretary

Encl.
cc: Steven R. Griffith
Michael D. Eck
Phyllis C. Friedman
Arnold Nelson
Jean Jung
James Dyer
Norman Gerber
James Hoswell



BALTIMORE COUNTY
OFFICE OF PLANNING & ZONING
TOWSON, MARYLAND 21204
494-3353

ARNOLD JARON
ZONING COMMISSIONER
February 5, 1986

JEAN M. H. JUNG
DEPUTY ZONING COMMISSIONER

Robert W. Cannon, Esquire
Weinberg and Green
100 South Charles Street
Baltimore, Maryland 21201

RE: PETITION FOR ZONING RECLASSIFICATION
Northeast Corner of Harford Road and East Avenue
(now abandoned) - 11th Election District
Robert W. Mockard, et al - Petitioners
Case No. R-86-303

Dear Mr. Cannon:

This is to advise you that \$100.00 is due for advertising and posting of the above property. This fee must be paid before an Order is issued.

Please make the check payable to Baltimore County, Maryland, and remit to Office, Room 113, County Office Building, hearing.

Sincerely,
Arnold Jaron
Zoning Commissioner

WHILE YOU WERE OUT
To: CBA-June
Date: 2-24-86
Time: 11:20 AM
M: [Signature]
Phone: [Signature]
Area Code Number Extension
TELEPHONED PLEASE CALL
CALLED TO SEE YOU WILL CALL AGAIN
WANTS TO SEE YOU URGENT
RETURNED YOUR CALL
Message: R-96-303 was paid on Feb 17 1986

Campbell 06301

Robert W. Cannon, Esquire
Weinberg and Green
100 South Charles Street
Baltimore, Maryland 21201

January 10, 1986

NOTICE OF HEARING

RE: PETITION FOR ZONING RECLASSIFICATION
Northeast Corner of Harford Road and East Avenue
(now abandoned) - 11th Election District
Petitioners: Robert W. Mockard, et al
Case No. R-86-303

TIME: 10:00 A.M.

DATE: Wednesday, February 12, 1986

PLACE: Room 218, Courthouse, Towson, Maryland

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE-REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

No. 00000

W. T. Hackett
W. T. Hackett, Chairman
of Appeals

DATE: ACCOUNT:

AMOUNT \$:

RECEIVED FROM:

FOR:

VALIDATION OF RECEIPT BY FILED IN:

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

William T. Hackett, Chairman
To County Board of Appeals
Date: August 27, 1986
Norman E. Gerber, AICP, Director
FROM: Office of Planning and Zoning
SUBJECT: Zoning Reclassification Petition No. R-86-303
Property Owners: Robert M. Mockard, et al

This 2.48-acre tract is part of a 14.5-acre property located on the northeast side of Harford Road at East Avenue. The portion of the property that is the subject of this petition is zoned B.L.-C.S.-2. On the opposite side of Harford Road are properties zoned B.L.-C.S.-2 and B.R.-C.S.-2, respectively. All of the remainder of the properties abutting the subject site and all of the remainder of the entire 14.5-acre property are zoned B.M., with a portion having a C.S.-2 District designation. The petition is proposing that the zoning classification of the subject 2.48-acre parcel of land be changed from B.L.-C.S.-2 to B.M.-C.S.-2, thereby placing the entire 14.5-acre property in the B.M. zoning classification.

This petition was exempted by action of the County Council from the normal cyclical procedures. At that time, the petitioner's representative stated that the overall property has been assembled for the purpose of razing the existing structures and constructing a new car dealership here.

It is this office's opinion that the petitioner's request should be granted. The replacement of the existing strip commercial use and of the Weber Storage and Moving operation with a single development would be expected to reduce traffic congestion at the site. Certainly, the problems experienced by the community with the Weber operation would be resolved. Further, through the future processing by the County of plans for the entire site, the opportunity exists to improve access to the entire property as well as buffering to protect the adjacent residential area; the County has been virtually powerless to address these concerns while faced with the existing uses here.

It is therefore recommended that the petitioner's request be granted. It is this office's opinion that the resultant homogeneous zoning classification for the entire property coupled with the proposed redevelopment would be in the public interest.

Norman E. Gerber
Norman E. Gerber, AICP
Director

NEG:slm
cc: Phyllis Cole Friedman
Robert W. Cannon
J.G. Roswell

WEINBERG AND GREEN

ATTORNEYS AT LAW
100 SOUTH CHARLES STREET
BALTIMORE MD 21201

BALTIMORE 301-332-8600
WASHINGTON AREA 601-5490
TELECOPIER 301-332-8683

WRITER'S DIRECT DIAL NUMBER
(301) 332-8816
January 8, 1986

BY HAND DELIVERY

Mr. James E. Dyer
Zoning Office
First Floor,
County Office Building
Towson, Maryland 21204

Re: Zoning Reclassification Petition
Mockard, et al.
Harford Road

Dear Jim:

In accordance with our discussion enclosed you will find the amended legal description we have prepared to reflect the fact that this description follows the zoning lines. Two (2) copies are enclosed so that one can be utilized in connection with the publication.

I will supply you with copies of the description which have been sealed within a short time.

Thank you for your assistance.

Sincerely yours,

Robert W. Cannon

081/amr
Enclosure

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

Thomas Toporovich
County Council Secretary - Administrator
Date: November 22, 1985
Norman E. Gerber, AICP, Director
Office of Planning and Zoning
Zoning Reclassification Petition: Steven R. Griffith, et al
SUBJECT: Request for exemption from cyclical procedures

Robert Mockard, et al
Steven 166

At its meeting on November 21, 1985, the Baltimore County Planning Board certified to the County Council that early action on the subject Zoning Reclassification Petition would be in the public interest. I would appreciate your scheduling this item for Council consideration as soon as possible.

Thank you for your cooperation in this matter.

Norman E. Gerber
Norman E. Gerber, AICP
Director of Planning and Zoning

NEG:slm

attachments

cc: The Honorable Donald P. Hutchinson
County Executive

B. Melvin Cole
County Administrative Officer

William T. Hackett, Chairman
County Board of Appeals

Malcolm Spicer
County Solicitor

Phyllis Cole Friedman
People's Counsel

James E. Dyer
Zoning Supervisor

Robert W. Cannon, Esquire.

BALTIMORE COUNTY PLANNING BOARD

RESOLUTION

November 21, 1985

WHEREAS, Pursuant to Subsection 2-58.1(1) of the Baltimore County Code 1978 as amended, the Baltimore County Planning Board has reviewed the request by Steven R. Griffith, et al to exempt from zoning cycle the subject reclassification petition; and

WHEREAS, The Planning Board believes that early action on this petition to provide for consideration of the timely expansion and benefits therefrom; therefore, be it

RESOLVED, That the Baltimore County Planning Board hereby certifies to the County Council of Baltimore County that early action on the subject Zoning Reclassification Petition would be in the public interest.

I HEREBY CERTIFY that the above resolution was duly adopted by the Baltimore County Planning Board at its meeting in Towson, Maryland, on November 21, 1985.

Norman E. Gerber
Norman E. Gerber, AICP
Secretary of the Baltimore County
Planning Board

Date

WEINBERG AND GREEN

ATTORNEYS AT LAW
100 SOUTH CHARLES STREET
BALTIMORE, MD. 21201

BALTIMORE 301-332-8600
WASHINGTON AREA 601-5490
TELECOPIER 301-332-8683

WRITER'S DIRECT DIAL NUMBER
(301) 332-8816
October 30, 1985

WEINBERG AND GREEN

Mr. Norman Berger
October 30, 1985
Page 2

resulting in additional employment and an expanded tax base for Baltimore County. In this regard, Griffith has contracted with his co-Petitioners to purchase several parcels of property adjacent to Griffith's current facility, portions of which parcels are located within a BL-CS-2 zone. In order to proceed with Griffith's plans, a reclassification of the property located within the BL zone must be granted.

The automobile manufacturer is requiring that the negotiations for the new dealership be concluded within a short period of time and is unable to defer its decision regarding the dealership for a period of time sufficient to allow Petitioners to request the zoning reclassification during the normal zoning cycle. Failure to obtain an expeditious decision with respect to the subject petition could, therefore, block the awarding of this new franchise to Griffith, resulting in the potential loss of important new business in Baltimore County. In short, this is an emergency situation. Time is of the essence in this transaction and deferring the hearing of Petitioners' request by the Board of Appeals until late next year would almost certainly destroy the prospects of adding a substantial and important new business to the County.

As noted in Petitioners' petition, this reclassification is warranted by a substantial change in the character of the neighborhood and by error in the classification of the property in the last comprehensive zoning map revision. Further, the public interest would be well served by the razing and elimination of the Weber Moving and Storage facility. The Weber facility is in a poor and unsightly condition and its operation results in a substantial amount of tractor-trailer truck traffic into and out of the storage facility. The construction of modern, safe and clean improvements in place of the Weber facility would clearly improve the health, safety and general welfare of the public. Petitioners' inability to promptly secure the new automobile franchise would almost certainly block both the vitally required improvements to the Weber site and the implementation of a prime economic opportunity for Baltimore County.

Thank you for your consideration of this request.

Very truly yours,

Robert W. Cannon

238/cwp

cc: Hon. Kenneth W. Dryden, Chairman - Planning Board
Hon. James T. Smith, Jr., Chairman - County Council
Hon. Eugene W. Gallagher

IN THE MATTER OF THE PETITION OF STEVEN R. GRIFFITH, SAIED MANOCHEH, MOHAMAD PAKDAMAN, MOHAMMED MANOCHEH, EZZATOLLAH VAHEDI-FARIDI, MOHAMMAD-HOSSEIN TEHRANIAN, ROBERT W. MOCKARD, AND MOBIL OIL CORPORATION FOR ZONING RECLASSIFICATION OF CERTAIN PARCELS OF LAND IN THE VICINITY OF HARFORD ROAD AND EAST AVENUE

BEFORE THE BALTIMORE COUNTY BOARD OF APPEALS

STATEMENT IN SUPPORT OF PETITION FOR ZONING RECLASSIFICATION

Steven R. Griffith, Saied Manocheh, Mohamad Pakdaman, Mohammad Manocheh, Ezzatollah Vahedi-Faridi, Mohammad-Hossein Tehranian, Robert W. Mockard and Mobil Oil Corporation ("Petitioners"), in support of their Petition for Zoning Reclassification filed herein, state that:

1. The Petitioners request a change in the zoning classification of certain parcels of land located at the southwest and southeast intersections of Harford Road and East Avenue, as shown on the plat attached hereto (the "Property") from a BL-CS-2 zone (business local) to a BM-CS-2 zone (business major).

2. An error in the classification of the Property in the 1984 comprehensive zoning map revision process and a substantial change in the character of the neighborhood in which the Property is located justifies reclassification of the Property from a BL to a BM zone.

166

3. As the attached plat indicates, the Property is bounded by Harford Road on one side and BM zoned land to the other three sides. The Property was obviously overlooked during the previous comprehensive zoning map revision process and was left surrounded primarily by property with a higher use classification. Extension of the surrounding BM zone into the Property would complete the desirable reclassification of the surrounding area into contiguous BM zoned land, unbroken by pockets of BL zoned parcels. The present erroneous classification of the Property prohibits uses compatible with the present and future development and characteristics of the surrounding BM zoned areas. Thus, reclassification of the zoning for the Property to a BM zone would allow for development of the Property in a planned orderly manner more closely in keeping with the dominant land use of the surrounding area.

4. The requested zoning reclassification would not affect the availability and adequacy of the present transportation facilities, water-supply facilities, waste-water facilities, or other public facilities which serve the area. Adoption of the BM zone for the Property would in no manner be detrimental to the health, safety or general welfare of the public in the surrounding area. If the requested zoning reclassification is granted, the then available uses for the Property and surrounding area would eliminate the substantial amount of tractor-trailer truck

traffic into and out of the Weber Moving and Storage facility located on an adjacent parcel. The elimination of the Weber facility, which is in a poor and unsightly condition, and the construction in its place of safe, sanitary and modern improvements would clearly be in the public interest.

For all of the foregoing reasons, the Petitioners respectfully request that their petition for zoning reclassification be granted.

*Robert W. Cannon*  
Robert W. Cannon  
Weinberg and Green  
100 South Charles Street  
Baltimore, Maryland 21201  
(301) 332-8816  
Attorney for Petitioner

PEOPLE'S COUNSEL FOR BALTIMORE COUNTY, Appellant  
v. ROBERT W. MOCKARD, et al., Appellees  
IN THE CIRCUIT COURT FOR BALTIMORE COUNTY AT LAW  
Case No. 86-CG-1262

NOTICE OF APPEAL

Please note an appeal to the Court of Special Appeals of Maryland from the decision of the Circuit Court for Baltimore County in the above-captioned matter, under date of March 3, 1987, and forward all papers in connection with said matter to the Clerk of the Court of Special Appeals of Maryland in accordance with the Maryland Rules.

*Phyllis Cole Friedman*  
Phyllis Cole Friedman  
People's Counsel for Baltimore County

*Peter Max Zimmerman*  
Peter Max Zimmerman  
Deputy People's Counsel  
Room 223, Court House  
Towson, Maryland 21204  
494-2188

I HEREBY CERTIFY that on this 2nd day of April, 1987, a copy of the foregoing Notice of Appeal was mailed to Robert W. Cannon, Esquire, Weinberg and Green, 100 S. Charles St., Baltimore, MD 21201; and Stanley H. Miller, Esquire, Knickerbocker Bldg., Suite 200, 218 E. Lexington St., Baltimore, MD 21202.

*Phyllis Cole Friedman*  
Phyllis Cole Friedman



County Board of Appeals of Baltimore County

Room 200 Court House  
Towson, Maryland 21204  
(301) 494-3180

July 21, 1987

Howard E. Friedman, Clerk  
Court of Special Appeals  
of Maryland  
Annapolis, MD 21401-1698

Re: Case No. 86-CG-1262  
(Robert W. Mockard, et al)

Dear Mr. Friedman:

We would appreciate your noting our request for a copy of the Opinion in the above-entitled case when it is filed by the Court of Special Appeals.

Thank you.

Sincerely,

*Kathleen C. Weidenhammer*  
Kathleen C. Weidenhammer  
Administrative Secretary

ROBT. W. MOCKARD, ET AL R-86-303, Item 166  
Harford Rd. and East Ave. 11th District  
BL-CS-2 to BM-CS-2

- Dec. 12, 1985 Petition filed
- Feb. 12, 1986 Hearing before the Board
- March 6 Order of the Board GRANTING the reclassification for the purpose of expanding the existing used and new car dealership.
- Apr. 4 Order for Appeal filed in the Cir. Ct. by Phyllis C. Friedman, People's Counsel
- Apr. 4 Order for Appeal filed in the Cir. Ct. by Stanley Miller, Esq. on behalf of Michael L. Eck, protestant.
- Apr. 4 Certificate of Notice sent out
- Apr. 7 Order for Appeal filed in the Cir. Ct. by Robt. W. Cannon, Esq., on behalf of Petitioners.
- Apr. 9 Certificate of Notice sent out
- May 8 Extension of Time to Transmit Record
- Aug. 1, 1986 Record of proceedings filed in the Cir. Ct. for Balto. County
- Aug. 25 PC's Memo filed in CCT.
- Aug. 29 Extension of Time to File Memoranda to 29th day of October 1986
- Oct. 29 Petitioner's Memorandum filed.
- Feb. 10, 1987 Appellant's (Michael D. Eck) Consent to Judgment in Favor of Robert W. Mockard, et al filed
- Feb. 11 Hearing had; Opinion order to be filed. (Hon. William H. Mickerson)
- March 4 REVERSED condition imposed on reclassification; REMANDED to CBA for findings consistent with Sec. 2-58.1(j)(2), Co Code, 1978 Ed., as amended
- April 2 Notice of Appeal filed by PC to Ct of Special Appeals
- December 7 Circuit Court AFFIRMED by CSA.

PETITION FOR ZONING RE-CLASSIFICATION SPECIAL EXCEPTION AND/OR VARIANCE

TO THE COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY:

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition (1) that the zoning status of the herein described property be re-classified, pursuant to the Zoning Law of Baltimore County, from an BL-CS-2 zone to an BM-CS-2 zone, for the reasons given in the attached statement; and (2) for a Special Exception under the said Zoning Law and Zoning Regulations of Baltimore County, to use the herein described property for

and (3) for reasons given in the attached statement a variance from the following sections of the Zoning Law and Zoning Regulations of Baltimore County:

NE 95  
4-C  
117H  
1-C  
300

ZONING DESCRIPTION

As Amended 1/7/86

Description of current BL-CS-2 area to be reclassified as BM-CS-2

Beginning for the same at a point in the centerline of Harford Road as shown on S.R.C. Plat Number 2696, said point being at the intersection of the centerline of East Avenue (now abandoned) as shown on a Plat of Leggett Heights recorded among the Land Records of Baltimore County, Maryland in Plat Book 7, Folio 157, thence running with and binding on the centerline of Harford Road, North 41 degrees 59 minutes East, 440 feet to a point on the zoning line dividing BL-CS2 property from BM-CS2 property, thence leaving said centerline of Harford Road and running the following two courses along said zoning line: South 48 degrees 41 minutes East, 300 feet to a point on the zoning line dividing BL-CS2 property from BM property, and South 41 degrees 59 minutes West along said zoning line, 200 feet to a point along the centerline of East Avenue as now relocated on the zoning line dividing BL-CS2 property from BM property, thence running with the said centerline of relocated East Avenue and said zoning line, North 48 degrees 41 minutes West, 100 feet along said zoning line, thence leaving the centerline of relocated East Avenue and running South 41 degrees 59 minutes West on the zoning line dividing BL-CS2 property from BM property, 240 feet along said zoning line to a point in the centerline of the abandoned East Avenue as shown on the aforementioned Plat of Leggett Heights, thence binding on the said centerline of abandoned East Avenue, North 48 degrees 41 minutes West along said zoning line, 200 feet to the place of beginning.

Containing 2.48 Acres of land more or less and lying in the 11th Election District and the 6th Councilmatic District of Baltimore County Maryland.

PETITION FOR RECLASSIFICATION 11th Election District

LOCATION: Northeast Corner of Harford Road and East Avenue (now abandoned)

PUBLIC HEARING: Wednesday, February 12, 1986 at 10:00 a.m. in Room 218, Courthouse, Towson, Maryland

The County Board of Appeals for Baltimore County, by authority of the Baltimore County Charter, will hold a public hearing:

Reclassify zoning status of property from a BL-CS-2 zone to a BM-CS-2 zone.

All that parcel of land in the 11th District of Baltimore County

Beginning for the same at a point in the centerline of Harford Road as shown on S.R.C. Plat Number 2696, said point being at the intersection of the centerline of East Avenue (now abandoned) as shown on a Plat of Leggett Heights recorded among the Land Records of Baltimore County, Maryland in Plat Book 7, Folio 157, thence running with and binding on the centerline of Harford Road, North 41 degrees 59 minutes East, 440 feet to a point on the zoning line dividing BL-CS2 property from BM-CS2 property, thence leaving said centerline of Harford Road and running the following two courses along said zoning line: South 48 degrees 41 minutes East, 300 feet to a point on the zoning line dividing BL-CS2 property from BM property, and South 41 degrees 59 minutes West along said zoning line, 200 feet to a point along the centerline of East Avenue as now relocated on the zoning line dividing BL-CS2 property from BM property, thence running with the said centerline of relocated East Avenue and said zoning line, North 48 degrees 41 minutes West, 100 feet along said zoning line, thence leaving the centerline of relocated East Avenue and running South 41 degrees 59 minutes West on the zoning line dividing BL-CS2 property from BM property, 240 feet along said zoning line to a point in the centerline of the abandoned East Avenue as shown on the aforementioned Plat of Leggett Heights, thence binding on the said centerline of abandoned East Avenue, North 48 degrees 41 minutes West along said zoning line, 200 feet to the place of beginning.

Containing 2.48 Acres of land more or less and lying in the 11th Election District and the 6th Councilmatic District of Baltimore County Maryland.

Property of ROBERT W. MOCKARD, ET AL as shown on the plan plan filed with the Zoning Department.

BY ORDER OF WILLIAM T. HACKETT, CHAIRMAN COUNTY BOARD OF APPEALS BALTIMORE COUNTY

ZONING DESCRIPTION

As Amended 1/7/86

Description of current BL-CS-2 area to be reclassified as BM-CS-2

Beginning for the same at a point in the centerline of Harford Road as shown on S.R.C. Plat Number 2696, said point being at the intersection of the centerline of East Avenue (now abandoned) as shown on a Plat of Leggett Heights recorded among the Land Records of Baltimore County, Maryland in Plat Book 7, Folio 157, thence running with and binding on the centerline of Harford Road, North 41 degrees 59 minutes East, 440 feet to a point on the zoning line dividing BL-CS2 property from BM-CS2 property, thence leaving said centerline of Harford Road and running the following two courses along said zoning line: South 48 degrees 41 minutes East, 300 feet to a point on the zoning line dividing BL-CS2 property from BM property, and South 41 degrees 59 minutes West along said zoning line, 200 feet to a point along the centerline of East Avenue as now relocated on the zoning line dividing BL-CS2 property from BM property, thence running with the said centerline of relocated East Avenue and said zoning line, North 48 degrees 41 minutes West, 100 feet along said zoning line, thence leaving the centerline of relocated East Avenue and running South 41 degrees 59 minutes West on the zoning line dividing BL-CS2 property from BM property, 240 feet along said zoning line to a point in the centerline of the abandoned East Avenue as shown on the aforementioned Plat of Leggett Heights, thence binding on the said centerline of abandoned East Avenue, North 48 degrees 41 minutes West along said zoning line, 200 feet to the place of beginning.

Containing 2.48 Acres of land more or less and lying in the 11th Election District and the 6th Councilmatic District of Baltimore County Maryland.

Property is to be posted and advertised as prescribed by The Baltimore County Code.

I, or we, agree to pay expenses of above Re-classification, Special Exception and/or Variance, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contract Purchaser: STEVEN R. GRIFFITH (Type of Print Name)  
Signature: *Steven R. Griffith*  
Address: 9113 HARFORD ROAD, BALTIMORE, MARYLAND 21234  
City and State:  
Atorney for Purchaser: ROBERT W. CANNON, ESQUIRE (Type of Print Name)  
Signature: *Robert W. Cannon*  
Address: WEINBERG AND GREEN, 100 SOUTH CHARLES STREET, BALTIMORE, MARYLAND 21201  
City and State:  
Attorney's Telephone No.: (301) 332-8816

Legal Owner(s): ROBERT W. MOCKARD (Type of Print Name)  
Signature: *Robert W. Mockard*  
Address: MOBIL OIL CORPORATION (Type of Print Name)  
By: *Robert W. Cannon*  
Signature: ROBERT W. CANNON, Attorney and Authorized Representative [See attached continuation of signature page]  
Address: \_\_\_\_\_ Phone No. \_\_\_\_\_  
City and State: \_\_\_\_\_  
Name, address and phone number of legal owner, contract purchaser or representative to be contacted: ROBERT W. CANNON, ESQUIRE, WEINBERG AND GREEN, 100 SOUTH CHARLES STREET, BALTIMORE, MARYLAND 21201, Address (301) 332-8816 Phone No. \_\_\_\_\_

**Petition For Reclassification**  
 11th Election District  
 LOCATION: Northeast Corner of Harford Road and East Avenue (see attached)  
 PUBLIC HEARING: Wednesday, Feb. 12, 1986, at 10 A.M. in Room 114, Courthouse, Towson, Maryland.  
 The County Board of Appeals for Baltimore County, by authority of the Baltimore County Charter, will hold a public hearing.  
 Sufficient zoning status of property from a BL-CB-3 zone to a BM-CB-3 zone.  
 All that parcel of land in the 11th District of Baltimore County being used for the site at a point in the center of Harford Road as shown on S.R.C. Plat Number 299, said point being at the intersection of the centerline of East Avenue (see attached) as shown on a Plat of Leggett Heights recorded among the Land Records of Baltimore County, Maryland, in Plat Book 7, Folio 187, thence running with and binding on the centerline of Harford Road, North 41 degrees 40 minutes East, 100 feet to a point on the zoning line dividing BL-CB-3 property from BM-CB-3 property, thence leaving said centerline of Harford Road and running the following two courses along said zoning line: South 41 degrees 41 minutes East, 200 feet to a point on the zoning line dividing BL-CB-3 property from BM-CB-3 property, and South 41 degrees 40 minutes West along said zoning line, 200 feet to a point along the centerline of East Avenue as now relocated on the zoning line dividing BL-CB-3 property from BM-CB-3 property, thence running with the said centerline of relocated East Avenue and said zoning line, North 41 degrees 41 minutes West, 100 feet along said zoning line, thence leaving the centerline of relocated East Avenue and running South 41 degrees 40 minutes West on the zoning line dividing BL-CB-3 property from BM-CB-3 property, 200 feet along said zoning line to a point in the centerline of the abandoned East Avenue as shown on the aforementioned Plat of Leggett Heights, thence binding on the said centerline of abandoned East Avenue, North 41 degrees 41 minutes West along said zoning line, 200 feet to the place of beginning.  
 Containing 1.48 Acres of land more or less and lying in the 11th Election District and the 4th Geographic District of Baltimore County, Maryland.  
 Being the property of Robert W. Mockard, et al, as shown on the plat plan filed with the Zoning Department.  
 By Order of  
 William T. Hackett  
 Chairman  
 County Board of Appeals  
 Baltimore County

**The Times**  
 Middle River, Md., Jan 23 1986  
 This is to certify, That the annexed  
 Petition Reg 28462  
 was inserted in The Times, a newspaper printed and published in Baltimore County, once in each of one successive weeks before the 23rd day of Jan, 1986.  
James B. ... Publisher.

**CERTIFICATE OF POSTING**  
 ZONING DEPARTMENT OF BALTIMORE COUNTY  
 Towson, Maryland  
 District: 11th  
 Parcel for: Reclassification  
 Petitioner: Robert W. Mockard, et al  
 Location of property: Northeast Corner of Harford Road and East Avenue, Baltimore County, Maryland  
 Location of Sign: On the zoning line dividing BL-CB-3 property from BM-CB-3 property, thence running with the said centerline of relocated East Avenue and said zoning line, North 41 degrees 41 minutes West, 100 feet along said zoning line, thence leaving the centerline of relocated East Avenue and running South 41 degrees 40 minutes West on the zoning line dividing BL-CB-3 property from BM-CB-3 property, 200 feet along said zoning line to a point in the centerline of the abandoned East Avenue as shown on the aforementioned Plat of Leggett Heights, thence binding on the said centerline of abandoned East Avenue, North 41 degrees 41 minutes West along said zoning line, 200 feet to the place of beginning.  
 Number of Signs: 3  
 Date of Posting: 1/19/86  
1186-323

County Council of Baltimore County  
 Court House, Towson, Maryland 21201  
 [301] 491-3196  
 COUNCIL  
 December 17, 1985  
 William T. Hackett, Chairman  
 Baltimore County Board of Appeals  
 Court House  
 Towson, Maryland 21204  
 Dear Mr. Hackett:  
 This is to advise you that the County Council, at their meeting on Monday, December 16, 1985, approved the Planning Board's motion certifying that early action on the Steven R. Griffith, et al Zoning Reclassification Petition would be in the public interest.  
 Sincerely yours,  
 Thomas Toporovich  
 Secretary  
 TT:dp  
 Enclosure  
 cc: Norman E. Gerber  
 Robert Cannon  
 COUNTY BOARD OF APPEALS  
 REC'D 11 P 2 44

COUNTY COUNCIL OF BALTIMORE COUNTY, MARYLAND  
 Legislative Session 1985, Legislative Day No. 23  
 RESOLUTION NO. 121-85  
 Mr. James W. Gallagher, Councilman  
 By the County Council, December 2, 1985  
 A RESOLUTION to approve the Planning Board's certification that the zoning reclassification petition filed on behalf of Steven R. Griffith, et al for a 2.46 acre parcel of land on Harford Road should be exempted from the regular cyclical procedure of Section 2-58.1(c) through (h), inclusive, of the Baltimore County Code, 1978, 1984 Cumulative Supplement, as amended.  
 WHEREAS, the Planning Board, by Resolution dated November 21, 1985, has certified that early action on the Petition for Zoning Reclassification filed on behalf of Steven R. Griffith, et al, requesting a reclassification of the above described property would be in the public interest; and  
 WHEREAS, the County Council of Baltimore County, in accordance with the provisions of Section 2-58.1 (i) may approve said certification and exempt the Petition for Zoning Reclassification from the regular cycle procedures of Section 2-58.1.  
 NOW THEREFORE BE IT RESOLVED by the County Council of Baltimore County, Maryland, that the certification by the Planning Board that early action on the Zoning Reclassification Petition filed on behalf of Steven R. Griffith, et al, be and the same is hereby approved; and  
 BE IT FURTHER RESOLVED, that the Board of Appeals shall schedule a public hearing on said Petition in accordance with Section 2-58.1 (1) of the Baltimore County Code.

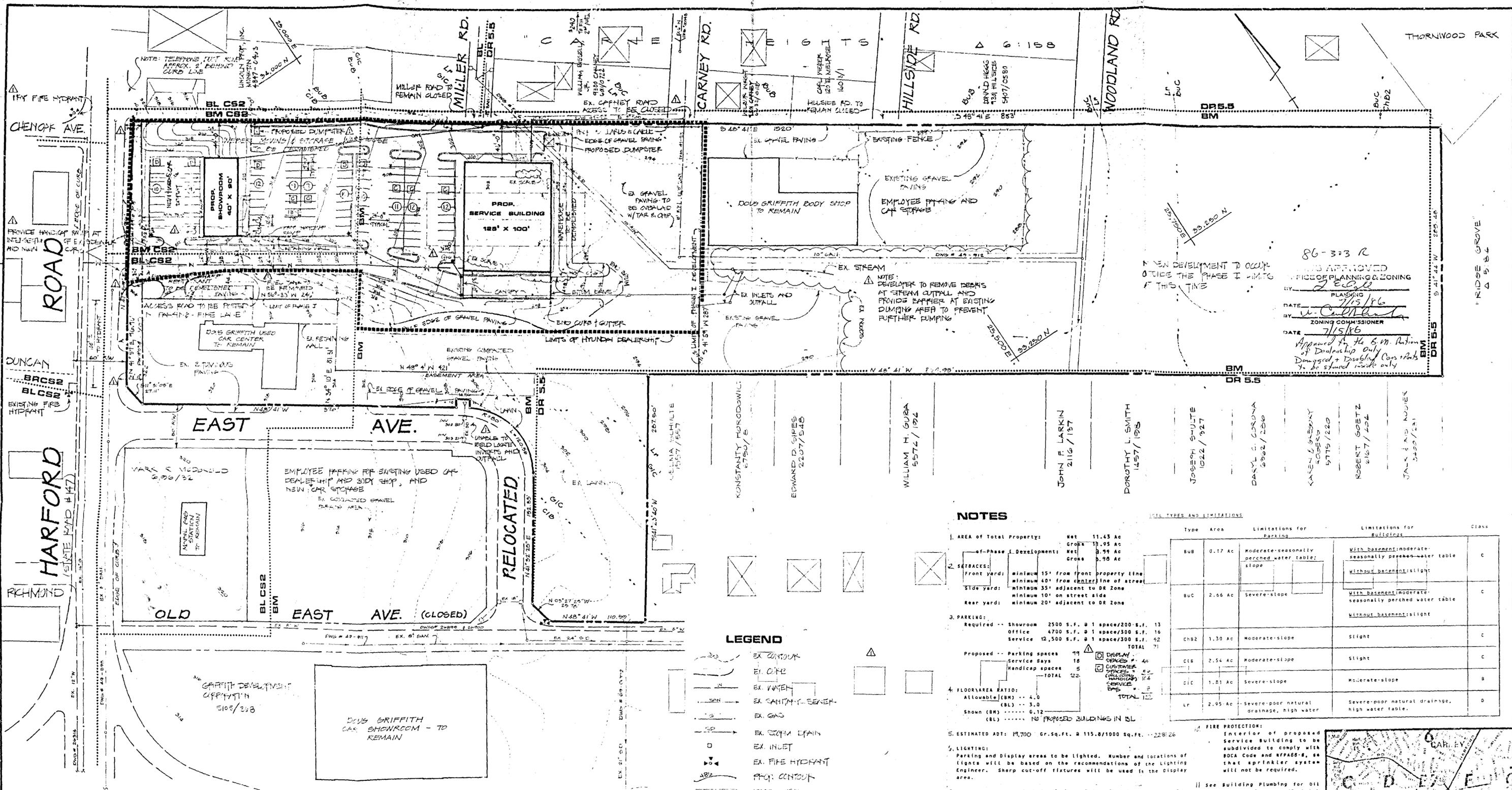
- BALTIMORE COUNTY CODE & AGENDA  
 LEGISLATIVE SESSION 1985, LEGISLATIVE DAY NO. 24  
 DECEMBER 16, 1985 7:30 P.M.
- RECEIVED COUNTY BOARD OF APPEALS  
 DECEMBER 16 1985
- A. MEETING OF SENATE COMMITTEE: PLEASE OF ATTENDANCE
  - B. APPROVAL OF JOURNAL - Meeting of December 2, 1985
  - C. ENROLLMENT OF BILLS - 169-85, 170-85, 171-85, 172-85, 173-85, 174-85, 175-85, 176-85, 177-85, 178-85, 179-85, 181-85, 182-85 & 183-85
  - D. INTRODUCTION OF BILLS  
 BILL NO. 184-85 - Mr. Gallagher (By Reg.) - State Homeless Services Program - WILKINSON.  
 BILL NO. 185-85 - Mr. Gallagher (By Reg.) - State Foster Care Initiative Program - WILKINSON.  
 BILL NO. 186-85 - Mr. Gallagher (By Reg.) - Technical Services - Police Dept. - WILKINSON.  
 BILL NO. 187-85 - Mr. Gallagher (By Reg.) - Sentencing to Jail or Detention Center
  - E. CALL OF BILLS FOR FINAL READING AND VOTE  
 BILL NO. 183-85 - Mr. Gallagher (By Reg.) - Job Training Partnership Act Fund - WILKINSON.  
 BILL NO. 184-85 - Mr. Gallagher (By Reg.) - Trade Adjustment Assistance - WILKINSON.  
 BILL NO. 185-85 - Mr. Gallagher (By Reg.) - Commercial Vehicle Operators - WILKINSON
  - F. APPROVAL OF FISCAL MATTERS  
 1. Budget Appropriation Transfer 66-7 - Visitor Protection Program  
 2. Agreement - Employees Retirement System - Wells Fargo Bank  
 3. Contract of Sale - James Healy & Co. - Doncaster Village Tank Site  
 4. Addendum Agreement - Restside Occupational Training Center  
 5. Contract of Sale - Universal Security Instruments, Inc. - Painters Mill Rd.  
 6. Agreement - Alpha Corporation - Construction Claims Analysis  
 7. Agreement - Rubino & McGeekin, Chartered - Corporate Auditing Services
  - G. MISCELLANEOUS BUSINESS  
 1. Correspondence  
 2. Resolution No. 109-85 - Mr. Smith (By Reg.) - 1985 Solid Waste Management Plan  
 3. Resolution No. 115-85 - IRB - Fort York Road Assoc. Ltd. Partnership  
 4. Resolution No. 116-85 - IRB - Whalen Properties Ltd. Partnership  
 5. Resolution No. 119-85 - IRB - Calvert Hall College  
 6. Resolution No. 120-85 - IRB - B & F Partnership  
 7. Resolution No. 121-85 - Mr. Gallagher - Out of Cycle Reclass. - Griffiths - 11th  
 8. Resolution No. 122-85 - Mr. Gallagher (By Reg.) - Location of Airplane  
 9. Resolution No. 123-85 - Mr. O'Rourke - McClure/Walker Bill  
 10. Resolution No. 124-85 - Ms. Bachur - Refund of certain real property taxes

BALTIMORE COUNTY, MARYLAND  
 INTER-OFFICE CORRESPONDENCE  
 Thomas Toporovich  
 County Council Secretary - Administrator Date: November 27, 1985  
 TO: County Council Secretary - Administrator  
 FROM: Norman E. Gerber, AICP, Director  
 Office of Planning and Zoning  
 SUBJECT: Zoning Reclassification Petition: Steven R. Griffith, et al  
 Request for exemption from cyclical procedures  
 At its meeting on November 21, 1985, the Baltimore County Planning Board certified to the County Council that early action on the subject Zoning Reclassification Petition would be in the public interest. I would appreciate your scheduling this item for Council consideration as soon as possible.  
 Thank you for your cooperation in this matter.  
 Norman E. Gerber  
 Norman E. Gerber, AICP  
 Director of Planning and Zoning  
 cc: The Honorable Donald P. Hutchinson  
 County Executive  
 E. Melvin Cole  
 County Administrative Officer  
 William T. Hackett, Chairman  
 County Board of Appeals  
 Malcolm Spicer  
 County Solicitor  
 Phyllis Cole Friedman  
 People's Counsel  
 James E. Dyer  
 Zoning Supervisor  
 Robert W. Cannon, Esquire.  
 COUNTY BOARD OF APPEALS  
 DEC 26 1985

BALTIMORE COUNTY PLANNING BOARD  
 RESOLUTION  
 November 21, 1985  
 WHEREAS, Pursuant to Subsection 2-58.1(i) of the Baltimore County Code 1978 as amended, the Baltimore County Planning Board has reviewed the request by Steven R. Griffith, et al to exempt from zoning cycle the subject reclassification petition; and  
 WHEREAS, The Planning Board believes that early action is required on this petition to provide for consideration of the timely expansion and benefits therefrom; therefore, be it  
 RESOLVED, That the Baltimore County Planning Board hereby certifies to the County Council of Baltimore County that early action on the subject Zoning Reclassification Petition would be in the public interest.  
 I HEREBY CERTIFY that the above resolution was duly adopted by the Baltimore County Planning Board at its meeting in Towson, Maryland, on November 21, 1985.  
 Norman E. Gerber  
 Norman E. Gerber, AICP  
 Secretary of the Baltimore County Planning Board

Baltimore County Office of Planning and Zoning  
 November 19, 1985  
 TO: 224 CBF  
 DATE: 11-25-85 TIME: 3:15 PM  
**WHILE YOU WERE OUT**  
 M: Stephen  
 A: Stephen  
 Phone: \_\_\_\_\_  
 Area Code Number Extension  
 TELEPHONED PLEASE CALL  
 CALLED TO SEE YOU WILL CALL AGAIN  
 WANTS TO SEE YOU URGENT  
 RETURNED YOUR CALL  
 Messages: Call out of call  
Stephen  
I found out today  
there has been a zoning  
petition for reclass  
of Harford Road. It  
was filed with MCKARD  
as item 116 but is listed  
as item 115.  
 Baltimore County Office of Planning and Zoning  
 November 19, 1985  
 REGULAR MEETING  
 PUBLIC HEARING  
 BALTIMORE COUNTY PLANNING BOARD  
 November 21, 1985  
 WORK SESSION  
 Non-Capital Budget and Expenses  
 County Office Building  
 to order: 2:30 p.m.  
 Mason, Chairman  
 AGENDA  
 Board Members  
 - Operational Buildings  
 - Schools  
 WORK SESSION  
 on Development Plans and Issues  
 County Office Building  
 to order: 4:00 p.m.  
 Worrall, Chairman  
 AGENDA  
 4:00 p.m. 1. Introduction of Board Members  
 4:01 p.m. 2. Request for Waivers from Certain Provisions of the Baltimore County Development Regulations  
 4:05 p.m. 3. Resolution Regarding Bird River Supporting County Executive's Initiative (draft enclosed)  
 4:10 p.m. 4. Amendments to Waiver Procedures, Baltimore County Development Regulations  
 4:20 p.m. 5. Requests to Exempt Zoning Reclassification Petitions from Zoning Cycle in the Public Interest or Emergency (attached):  
 a. Julie and Tony Mandel; N/E of Walmworth Road, approximately 550' E of York Road  
 b. Steven R. Griffith, et al.; Harford Road and East Avenue  
 REGULAR MEETING  
 BALTIMORE COUNTY PLANNING BOARD  
 Room 114, County Office Building  
 to order: 4:30 p.m.  
 Worrall, Chairman  
 AGENDA  
 4:30 1. Introduction of Board Members  
 4:35 2. Review of Agenda  
 (over)





86-303 R  
 IS APPROVED  
 OFFICE OF PLANNING & ZONING  
 PLANNING  
 DATE 7/15/86  
 BY [Signature]  
 ZONING COMMISSIONER  
 DATE 7/15/86  
 Approved by the S.M. Action  
 of Dealership Only  
 Damaged & Disabled Cars & Parts  
 to be stored inside only

**NOTES**

Area of Total Property:	Net	11.43 Ac
Phase I Development:	Gross	10.95 Ac
	Net	9.91 Ac
	Gross	9.90 Ac

Setbacks:	Minimum	Maximum
Front yard:	15'	40'
Side yard:	35'	10'
Rear yard:	20'	10'

Parking:	Required	Proposed
Showroom:	2500 S.F. @ 1 space/200 S.F.	13
Office:	4700 S.F. @ 1 space/300 S.F.	16
Service:	12,500 S.F. @ 1 space/300 S.F.	42
<b>TOTAL</b>		<b>71</b>

Floor Area Ratio:	Allowable (BL)	Shown (BL)
	4.0	3.0
	3.0	0.12
	NO PROPOSED BUILDINGS IN BL	

Type	Area	Limitations for Parking	Limitations for Buildings	Class
SUB	0.17 Ac	Moderate-seasonally perched water table; slope	With basement: moderate-seasonally perched water table Without basement: slight	C
SUC	2.66 Ac	Severe-slope	With basement: moderate-seasonally perched water table Without basement: slight	C
CHB2	1.30 Ac	Moderate-slope	Slight	C
CLB	2.54 Ac	Moderate-slope	Slight	C
CLC	1.81 Ac	Severe-slope	Moderate-slope	B
Lr	2.95 Ac	Severe-poor natural drainage, high water	Severe-poor natural drainage, high water table.	D

**LEGEND**

- EX. OUTFALL
- EX. CURB
- EX. WATER
- EX. SANITARY SEWER
- EX. GAS
- EX. SOUP DRAIN
- EX. INLET
- EX. FIRE HYDRANT
- PROP. CURB
- PROP. WATER
- PROP. SANITARY SEWER
- PROP. STORM DRAIN
- PROP. INLET
- PROP. OUTFALL
- ZONING LINE
- LIMIT OF DEVELOPMENT
- EX. OUTFALL

**NOTES CONT'D**

16. ALL PROPERTY OWNERS AS BLCS2 HAS BEEN RELOCATED TO EAST AVE. SUBJECT TO JUDICIAL ORDER CASE # R-80-303 DATED MARCH 2, 1980 AND HAS BEEN APPEALED TO THE CIRCUIT COURT.
17. THERE WILL BE NO DAMAGED OR DAMAGING AUTO IN PHASE I DEVELOPMENT.
18. A SIGNIFICANT REVISIONS PER CRO COMMENTS PERTAINING TO PHASE I.
19. THE AREA DESIGNATED FOR THE PROPOSED HYUNDAI DEALERSHIP IS TO BE USED EXCLUSIVELY BY HYUNDAI AND IS TO BE A SELF-SUFFICIENT OPERATION.
20. THE DISPLAY AREA WILL BE USED TO EXHIBIT NEW AND USED CARS.
21. THE EXISTING DUBS GRIFITH BODY SHOP IS A SELF-SUFFICIENT OPERATION AND IS NOT CONNECTED TO THE PROPOSED HYUNDAI DEALERSHIP WITH ITS OWN SERVICE FACILITIES.
22. PHASE II THE EX. DUBS GRIFITH BODY SHOP AREA SHALL COMPLY WITH THE RELEVANT ZONING REGULATIONS REGARDING SCREENING FENCING AND PARKING WITHIN ONE YEAR OF 6-30-86.
23. THE CONNECTION PIPE BETWEEN THE PROPOSED HYUNDAI DEALERSHIP AND THE EX. USED CAR CENTER IS FOR CIRCULATION ONLY AND WILL NOT BE USED IN CONNECTION WITH THE PROPOSED HYUNDAI OPERATION UNTIL ZONING MATTERS ARE RESOLVED.

**WILLIAM F. KIRWIN INC.**  
 LANDSCAPE ARCHITECTURE/LAND PLANNING  
 28 E. Susquehanna Ave. Suite 2  
 Towson MD 21204 (301) 337-0075

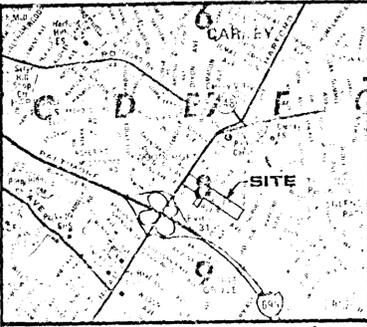
**THE GRIFFITH ORGANIZATION**  
 9213 HARFORD ROAD  
 BALTIMORE, MD 21234  
 (301) 661-3400

4-7-86	5-9-86	6-2-86	7-11-86
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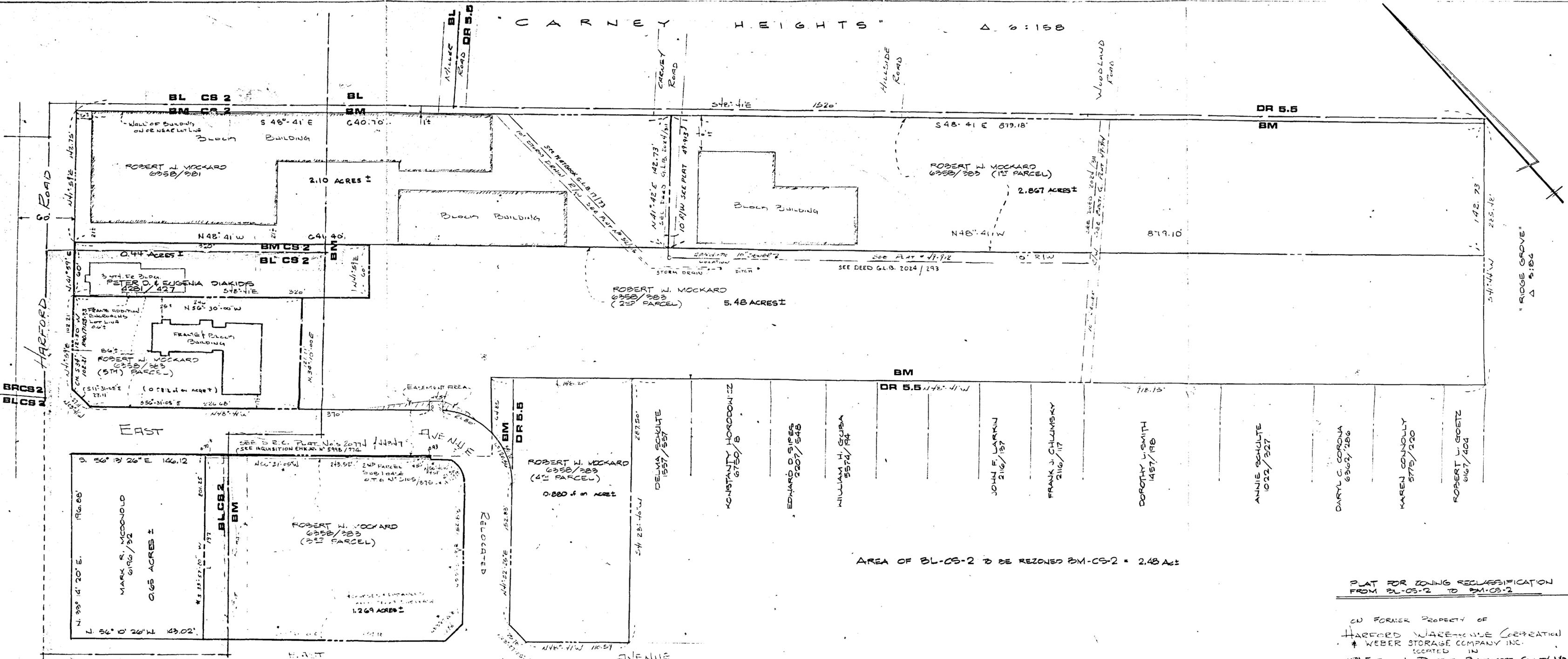
Election District - 11  
 Councilmanic District - 6  
 Census Tract - 411.02  
 Watershed - 6  
 Subwatershed - 16  
 PUBLIC REFERENCE CASE NO. 8648  
 PLANNING DIV.

**OVERALL SITE PLAN**  
 C-736  
**GRIFFITH AUTO DEALERSHIP**  
 HARFORD ROAD

project number  
 date 3-14-86  
 drawing number  
 of 2



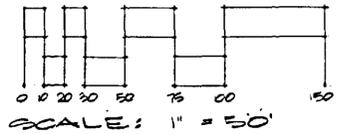
CARLEY HEIGHTS Δ 6:158



AREA OF BL-CS-2 TO BE REZONED BM-CS-2 = 2.48 AC±

NOTE! THE PROPERTY LINE INFORMATION SHOWN HEREON WAS PREPARED BY GERHOLD, CROSS, & ETZEL, INC. IN 12-81. SUPPLEMENTAL INFORMATION HAS BEEN ADDED FOR THE PURPOSE OF FILING A ZONING RECLASSIFICATION PETITION BY WILLIAM F. KIRWIN, INC., OCTOBER 30, 1985

DOUGLAS W. & BARBARA GRIFFITH  
5015/422



PLAT FOR ZONING RECLASSIFICATION FROM BL-CS-2 TO BM-CS-2

ON FORMER PROPERTY OF HARFORD WAREHOUSE COOPERATION & WEBER STORAGE COMPANY INC. LOCATED IN 11th ELECTION DISTRICT, BALTIMORE COUNTY, MD. 6th COUNCILMATIC DISTRICT

AS ORIGINALLY PREPARED BY GERHOLD, CROSS, & ETZEL, REG. PROFESSIONAL LAND SURVEYORS 412 DELAWARE AVE., TOWSON, MD. REVISED 12-28-81 Revised 12-21-81

**WFK** WILLIAM F. KIRWIN, INC.  
Land Planning, Landscape Architecture  
28 E. Susquehanna Avenue  
Towson, MD 21284  
Phone 301-337-0075

OFFICE COPY



Robert W. Cannon, Esquire  
Weinberg and Green  
100 South Charles Street  
Baltimore, Maryland 21201

January 10, 1986

NOTICE OF HEARING

RE: PETITION FOR ZONING RECLASSIFICATION  
Northeast Corner of Harford Road and East Avenue  
(now abandoned) - 11th Election District  
Petitioners: Robert W. Mockard, et al.  
Case No. R-86-303

TIME: 10:00 A.M.

DATE: Wednesday, February 12, 1986

PLACE: Room 218, Courthouse, Towson, Maryland

William T. Hackett  
William T. Hackett, Chairman  
County Board of Appeals

cc: People's Counsel

REPORTED  
IN THE COURT OF SPECIAL APPEALS

OF MARYLAND

No. 451

September Term, 1987

PEOPLE'S COUNSEL  
FOR BALTIMORE COUNTY

v.

ROBERT W. MOCKARD, et al

Wilner  
Alpert  
Bell, Rosalyn B.,  
JJ.

OPINION BY BELL, ROSALYN B., J.

Filed: December 7, 1987

ZONING CASE NO. R-86-303

RECEIVED APPEALS  
COUNTY BOARD OF APPEALS  
1987 DEC -9 A 11:00

Although with more specificity than expressed by the trial judge, we affirm the remand of the case for the Board to decide whether there was an error in the comprehensive zoning plan. In making that determination, the Board must at least "consider," as we have defined that word, the factors found in § 2-58.1(j)(2). Secondly, the Board must at least "consider" those factors and make specific findings as to whether the proposed reclassification is warranted.

JUDGMENT AFFIRMED.  
COSTS TO BE DIVIDED EQUALLY BY  
APPELLANTS/CROSS-APPELLEES  
AND  
APPELLEES/CROSS-APPELLANTS.

CASE NO. \_\_\_\_\_  
(18) Feb. 10, 1987 - Appellant's (Michael D. Eck) Consent to Judgment in Favor of Robert W. Mockard, et al fd.  
Feb. 11, 1987 Hon. William M. Nickerson. Hearing had. Disposition of hearing held Sub Curia. Opinion order to be filed.

(19) Mar 4, 1987 - Opinion and Order of Court that the decision of the County Board of Appeals be and the same is hereby Reversed as to the condition imposed on reclassification, and further Ordered that the case be REMANDED to the County Board of Appeals for findings consistent with this opinion. (WYN) Copies sent.

ROBERT W. MOCKARD, ET AL R-86-303  
Harford Rd. and East Ave. Item #156  
11th District

BI-CS-2 to BM-CS-2 2.48 acres

Oct. 30, 1985 Petition filed (OUT OF CYCLE)  
Nov. 21, 1985 Planning Board certified to County Council that case could be considered for early action.  
Dec. 2 County Council approved Planning Board's Motion certifying early action.

Robert W. Cannon, Esq. Counsel for Petitioner  
Weinberg & Green  
100 S. Charles St. (21201)  
Stephen Eisen Contract Purchaser  
Steven R. Griffith  
Doug Griffith Chrysler  
Plymouth, Inc.  
5213 Harford Rd. (21234)

Robert W. Mockard, et al Petitioners

Phyllis C. Friedman People's Counsel  
Arnold Jablon  
Jean M.H. Jung  
Janus Dyer  
Norman Gerber  
James Hoswell

MICHAEL D. ECK SLDG ORDER  
4304 CARNET RD. (21234) (Protestant)  
Stanley H. Miller, Esq. Counsel for Protestant  
Knickerbocker Bldg.,  
Suite 200  
218 E. Lexington St.  
(31202)

IN THE MATTER OF ROBERT W. MOCKARD, ET AL FOR RECLASSIFICATION OF PROPERTY LOCATED AT HARFORD RD. AND EAST AVE. FROM BL-CS-2 TO BM-CS-2 11th DISTRICT  
MICHAEL D. ECK, PLAINTIFF  
PEOPLE'S COUNSEL FOR BALTIMORE COUNTY, PLAINTIFF  
ROBERT W. MOCKARD, ET AL, PLAINTIFFS  
ZONING FILE NO. R-86-303

IN THE CIRCUIT COURT FOR BALTIMORE COUNTY AT LAW  
Doc. No. 24  
Folio No. 102  
File No. 86-CG-1262

CERTIFIED COPIES OF PROCEEDINGS BEFORE THE ZONING COMMISSIONER AND THE BOARD OF APPEALS OF BALTIMORE COUNTY

TO THE HONORABLE, THE JUDGE OF SAID COURT:

And now come William T. Hackett, LeRoy B. Spurrier and William R. Evans, constituting the County Board of Appeals of Baltimore County, and in answer to the Order for Appeal directed against them in this case, herewith return the record of proceedings had in the above entitled matter, consisting of the following certified copies or original papers on file in the office of the Zoning Department of Baltimore County:

ZONING ENTIRES FROM DOCKET OF ZONING COMMISSIONER OF BALTIMORE COUNTY

No. R-86-303  
December 12, 1985 Petition filed for reclassification from BL-CS-2 to BM-CS-2 on property located at Harford Rd. and East Ave. in the 11th District of Balto. County  
January 17, 1986 Certificate of Posting of property - filed  
January 23 Publication in newspaper - filed  
February 10 Comments of Balto. County Zoning Plans Advisory Committee - filed  
February 12 At 10:00 a.m. hearing held on petition by County Board of Appeals

Robert W. Mockard, et al Case No. R-86-303

March 6, 1986 Order of the County Board of Appeals ordering that the Petition for Reclassification from BL-CS-2 to BM-CS-2 be GRANTED for the specific purpose of expanding the existing used and new car dealership.  
April 3 Motion to Strike and for Expedited proceedings DENIED  
April 4 Order for Appeal filed in the Circuit Ct. for Baltimore County by Phyllis C. Friedman, People's Counsel for Baltimore County.  
April 4 Petition to accompany Order for Appeal filed in the Circuit Ct. for Baltimore County  
April 4 Order for Appeal filed in the Circuit Ct. for Baltimore County by Stanley H. Miller, Esq., on behalf of Michael D. Eck, Protestant.  
April 4 Petition to accompany Order for Appeal filed in the Circuit Ct. for Baltimore County  
April 4 Certificate of Notice sent to interested parties.  
April 7 Order for Appeal filed in the Circuit Ct. for Baltimore County by Robert W. Cannon, Esq., on behalf of Petitioners.  
April 9 Certificate of Notice sent to interested parties.  
April 17 Petition to accompany Order for Appeal filed in the Circuit Court for Baltimore County  
May 8 Motion to Extend Time to Transmit Record to Aug. 1, 1986.  
August 1 Transcript of testimony filed  
People's Counsel's Exhibits 1 thru 10 - Photographs of subject property and surrounding area.  
Petitioners' Exhibit No. 1 - Plat, 1/28/86, Doug Griffith property  
" " " 2 - Copy of 200 scale zoning map showing property outlined in red.  
" " " 3 - William Kirwin's qualifications as a land planner  
" " " 4 - Site plan dated 12/21/81, revised 12/28/81  
" " " 5 - Qualifications of John Wes Guckert as traffic engineer.  
" " " 6 - A thru I, series of nine photos showing subj property and surrounding area.

Robert W. Mockard, et al Case No. R-86-303  
August 1, 1986 Record of proceedings filed in the Circuit Court for Baltimore County.  
Record of proceedings pursuant to which said Order was entered and said Board acted are permanent records of the Zoning Department of Baltimore County, and your respondents respectively suggest that it would be inconvenient and inappropriate to file the same in this proceeding, but your respondents will produce any and all such rules and regulations whenever directed to do so by this Court.

Respectfully submitted,

Jane Holman  
Jane Holman  
County Board of Appeals of Baltimore County

cc: Robt. W. Cannon, Esq.  
Phyllis C. Friedman  
Stanley H. Miller, Esq.

IN THE MATTER OF ROBERT W. MOCKARD, ET AL FOR RECLASSIFICATION OF PROPERTY LOCATED AT HARFORD ROAD AND FIRST AVENUE FROM BL-CS-2 TO BM-CS-2 11th DISTRICT  
ZONING FILE NO. R-86-303

IN THE CIRCUIT COURT FOR BALTIMORE COUNTY  
FOR  
BALTIMORE COUNTY  
Docket No.: 24  
Folio No. 102  
File No.: 86-CG-1262

ANSWER TO PETITION ON APPEAL

Robert W. Mockard, Steven R. Griffith, Saied Manocheh, Mohamad Pakoaman, Mohammed Manocheh, Ezzatollah Vahedi-Faridi, Mohammad-Hossein Tehranian, Mobil Oil Corporation, and their successors, Appellants in this case (hereinafter "Appellants"), by their attorney, Robert W. Cannon, answer the Petition on Appeal entered by Michael D. Eck in the above-entitled matter, as follows:

1. Appellants deny Paragraph 1.
2. Appellants deny Paragraph 2.
3. Appellants deny Paragraph 3.
4. Because Paragraph 4 sets forth no additional grounds under which the Appeal is taken or alleged error committed by the County Board of Appeals for Baltimore County, Appellants deny Paragraph 4.

WHEREFORE, Appellants respectfully requests:

- (a) That the appeal filed by People's Counsel for Baltimore County be denied; and
- (b) That the Court enter an Order affirming the Order of the County Board of Appeals for Baltimore County to the extent that such order grants reclassification of the subject property from BL-CS-2 to BM-CS-2; and that said order be modified in part by deleting the conditioning phrase "for the specific purpose of expanding the existing used and new car dealership"; and
- (c) For such other and further relief as the nature of their cause may require.

Robert W. Cannon  
Robert W. Cannon  
100 South Charles Street  
Baltimore, Maryland 21201  
(301) 332-8816

Attorney for Appellants

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing Answer to Petition on Appeal was heretofore served on the County Board of Appeals of Baltimore County, whose action is appealed from, by leaving a copy thereof with Jane Holman, at Room 200, Court House, Towson, Maryland 21204, on this 16th day of May, 1986.

I HEREBY CERTIFY that a copy of the foregoing Answer to Petition on Appeal was mailed to Stanley H. Miller, Esquire, Knickerbocker Building, Suite 200, 218 E. Lexington Street, Baltimore, Maryland 21202, on this 16th day of May, 1986.

Robert W. Cannon

IN THE MATTER OF ROBERT W. MOCKARD, ET AL FOR RECLASSIFICATION OF PROPERTY LOCATED AT HARFORD ROAD AND EAST AVENUE FROM BL-CL-2 TO BM-CS-2 11th DISTRICT

ROBERT W. MOCKARD, ET AL Plaintiffs

ZONING FILE NO. R-86-303

IN THE CIRCUIT COURT FOR BALTIMORE COUNTY AT LAW

DOCKET NO. 24, FOLIO NO. 102

FILE NO.: 86-CG-1262

MOTION TO EXTEND TIME TO TRANSMIT RECORD

Now comes Michael D. Eck, Appellant, by his Attorney, Stanley H. Miller and respectfully represents unto YOUR HONOR:

1. An Appeal was filed on April 4, 1986 by your Movant and subsequent Appeals have been filed by the People's Counsel and by Griffith Chrysler Plymouth.
  2. That the parties are presently attempting to resolve all issues in the instant case.
  3. That the Transcript of Testimony can be ordered and made ready upon thirty days notice.
  4. That all parties have been notified and indicate that they have no objection to the extension of time for the transmittal of the record for a period of ninety days.
- WHEREFORE, it is respectfully prayed that the time within which to transmit the transcript and the record of this proceeding be extended for a period of ninety days in accordance with Rule B-7.

STANLEY H. MILLER  
Knickerbocker Building, Suite 200  
218 E. Lexington Street  
Baltimore, Maryland 21202  
752-6203  
Attorney for Appellant

STANLEY H. MILLER  
ATTORNEY AT LAW  
LEXINGTON ST.  
NO. 21202-2588  
PHONE 752-6203

COUNTY CLERK  
R-86-303 P#031

CERTIFICATE OF SERVICE

I HEREBY CERTIFY, that a copy of the MOTION TO EXTEND TIME TO TRANSMIT RECORD was served upon the County Board of Appeals of Baltimore County, Room 200, Court House, Baltimore, Maryland 21204 on the 1st day of May, 1986 and that a copy of same was mailed to Robert W. Cannon, Esquire, 100 South Charles Street, Baltimore, Maryland 21201, Attorney for the Petitioners below and to People's Counsel, Room 223, Court House, Towson, Maryland 21204 on the 1st day of May, 1986.

STANLEY H. MILLER

STANLEY H. MILLER  
ATTORNEY AT LAW  
LEXINGTON ST.  
NO. 21202-2588  
PHONE 752-6203

IN THE MATTER OF ROBERT W. MOCKARD, ET AL FOR RECLASSIFICATION OF PROPERTY LOCATED AT HARFORD ROAD AND EAST AVENUE FROM BL-CL-2 TO BM-CS-2 11th DISTRICT

ROBERT W. MOCKARD, ET AL Plaintiffs

ZONING FILE NO. R-86-303

IN THE CIRCUIT COURT FOR BALTIMORE COUNTY AT LAW

DOCKET NO. 24, FOLIO NO. 102

FILE NO.: 86-CG-1262

ORDER

It is this 8th day of May, 1986, by the Circuit Court Court for Baltimore County,

ORDERED that the time to transmit record of appeal be and it is hereby extended until the 1st day of August, 1986.

15/ Mickelson  
JUDGE

COUNTY CLERK  
R-86-303 P#031

STANLEY H. MILLER  
ATTORNEY AT LAW  
LEXINGTON ST.  
NO. 21202-2588  
PHONE 752-6203

IN THE MATTER OF ROBERT W. MOCKARD, ET AL FOR RECLASSIFICATION OF PROPERTY LOCATED AT HARFORD RD. & EAST AVE. FROM BL-CS-2 TO BM-CS-2 11th District

ROBERT W. MOCKARD, ET AL, PLAINTIFFS

ZONING FILE NO. R-86-303

IN THE CIRCUIT COURT FOR BALTIMORE COUNTY AT LAW

Docket No. 24

Folio No. 102

File No. 86-CG-1262

ANSWER TO PETITION ON APPEAL

People's Counsel for Baltimore County, Protestant below and Appellant herein, answers the Petition on Appeal in the above-entitled matter, as follows:

1. Appellant denies Paragraph 1.
2. Appellant denies Paragraph 2.
3. Appellant admits Paragraph 3.
4. Appellant denies Paragraph 4 insofar as it is intended to support a request that the zoning reclassification be granted unconditionally.

WHEREFORE, People's Counsel respectfully requests:

- a. That the appeal filed by Robert W. Mockard, et al be denied; and
- b. That the Court enter an Order denying the zoning reclassification; and
- c. For such other and further relief as the nature of the case requires.

Phyllis Cole Friedman  
Phyllis Cole Friedman  
People's Counsel for Baltimore County

Peter Max Zimmerman

Peter Max Zimmerman  
Deputy People's Counsel  
Room 223, Court House  
Towson, Maryland 21204  
494-2166

I HEREBY CERTIFY that on this 2nd day of April, 1986, a copy of the foregoing Answer to Petition on Appeal was delivered to the Administrative Secretary, County Board of Appeals, Room 200, Court House, Towson, MD 21204; and a copy was mailed to Robert W. Cannon, Esquire, 100 S. Charles St., Baltimore, MD 21201; and Stanley H. Miller, Esquire, Knickerbocker Bldg., Suite 200, 218 E. Lexington St., Baltimore, MD 21202.

Peter Max Zimmerman  
Peter Max Zimmerman

COUNTY CLERK  
R-86-303 P#031

IN THE MATTER OF ROBERT W. MOCKARD, ET AL FOR RECLASSIFICATION OF PROPERTY LOCATED AT HARFORD ROAD AND EAST AVENUE FROM BL-CS-2 TO BM-CS-2 11th DISTRICT

ZONING FILE NO. R-86-303

IN THE CIRCUIT COURT FOR BALTIMORE COUNTY AT LAW

DOCKET NO. 24

Folio No. 102

File No. 86-CG-1262

PETITION PERFECTING APPEAL FROM ACTION OF THE COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY

TO THE HONORABLE, THE JUDGE OF SAID COURT:

The Petition of Robert W. Mockard, Steven R. Griffith, Saied Manocheh, Mohamad Pakdaman, Mohammad Manocheh, Ezzatollah Vahedi-Faridi, Mohammad-Hossein Tehranian, Mobil Oil Corporation, and their successors, Appellants in this case, (hereinafter "Appellants"), by their attorney, Robert W. Cannon, respectfully represents unto Your Honor:

1. That Appellants were the petitioners for the reclassification granted subject to condition in this case by the County Board of Appeals for Baltimore County (the "Board") and have a direct and immediate interest in the subject matter of the appeal herein, which interest has been adversely affected by the action of the Board, to their special harm and damage; and that Appellants are directly aggrieved by the Opinion and Order of the Board, from which they entered the subject appeal, as hereinafter set forth;
2. That pursuant to the provisions of Subtitle B of Chapter 1100 of the Maryland Rules of Procedure, Appellants

WEINBERG AND GREEN  
BALTIMORE, MD. 21201

heretofore entered with this Court an appeal from the Order passed by the Board at its March 6, 1986 meeting; and that this Petition, setting forth the action appealed from, the error committed by the Board in taking such action, and the relief sought by Appellants, is designed to perfect such appeal in accordance with the requirements of said Maryland Rules of Procedure;

3. That by its Opinion and Order passed on March 6, 1986, a copy of which is attached to this Petition and incorporated herein by reference, the Board granted, subject to condition, Appellants' request for reclassification of the subject property from BL-CS-2 to BM-CS-2;
4. That the aforesaid March 6, 1986 Opinion and Order of the Board is illegal, invalid and erroneous to the extent that said Opinion and Order conditioned reclassification of the subject property from BL-CS-2 to BM-CS-2 "for the specific purpose of expanding the existing used and new car dealership." Opinion and Order at 4.

WHEREFORE, the Appellants respectfully pray:

- (a) That the Order of the County Board of Appeals for Baltimore County be affirmed to the extent that said Order grants reclassification of the subject property from BL-CS-2 to BM-CS-2; and, that said Order be modified in part by deleting the conditioning phrase "for the specific purpose of expanding the existing used and new car dealership"; and,

- (b) For such other and further relief as the nature of their cause may require.

Robert W. Cannon  
Robert W. Cannon  
100 South Charles Street  
Baltimore, Maryland 21201  
(301) 332-8816  
Attorney for Appellants

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing Petition was heretofore served on the County Board of Appeals of Baltimore County, whose action is appealed from, by leaving a copy thereof with June Helms, at Room 200, Court House, Towson, Maryland 21204, this 1st day of April, 1986.

Christine B. Buehler

COUNTY CLERK  
R-86-303 P#031

WEINBERG AND GREEN  
BALTIMORE, MD. 21201